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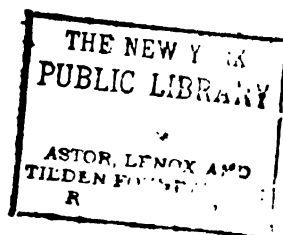
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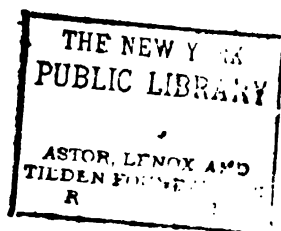
*A Correct, Full, and Impartial Report,
of the Trial of Her Majesty, Caroline, ...*

Caroline, John Adolphus, Great Britain.
Parliament, House of Lords, Great Britain, Parliament



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5/19/19





A
Correct, Full, and Impartial Report,
OF THE
TRIAL OF HER MAJESTY,
CAROLINE,

Amelia Sophia
QUEEN CONSORT OF GREAT BRITAIN,

BEFORE THE HOUSE OF PEERS;

ON THE

Bill of Pains and Penalties:

WITH

AUTHENTIC PARTICULARS,

EMBRACING

EVERY CIRCUMSTANCE CONNECTED WITH, AND ILLUSTRATIVE OF, THE SUBJECT OF THIS MOMENTOUS EVENT

INTERSPERSED WITH

ORIGINAL LETTERS,

AND OTHER

Curious and Interesting Documents, not generally known, and never before Published,

INCLUDING, AT LARGE,

HER MAJESTY'S DEFENCE.

The whole collected, arranged, and edited by

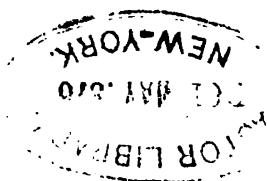
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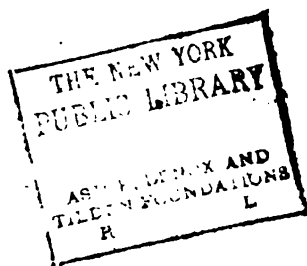
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1820.



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Bartolomeo Berquini.

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Drawing in possession of M^r. Sweeten.*

London. Published Aug^t 25. 1820.

TRIAL

OF

THE QUEEN.

BILL OF PAINS AND PENALTIES.

AUG. 17, 1820.—At a very early hour many individuals hoping that their assiduity would procure for them an opportunity of witnessing the progress of this interesting inquiry, assembled in the neighbourhood of the house of lords. Those, however, who did not bear with them the passport of a noble lord, or were unconnected with the public press, were very much disappointed. Their early rising, as far as their curiosity was concerned, was fruitless. Soon after nine o'clock the peers began to take their seats in the body of the house; and several members of the house of commons, amongst whom we observed Mr. Tierney, Mr. Calcraft, Mr. Grenfell, &c. took up stations near the throne. The space reserved for the queen's counsel, the shorthand writer, &c. was provided with three small desks. On these five ink-stands were placed, with

a supply of pens, ink, paper, and wafers. No seats were prepared, but chairs were subsequently supplied. As 10 o'clock approached the peers arrived in considerable numbers. At 25 minutes to nine the lord-chancellor arrived, and took his seat on the woolsack. The lord bishop of Landaff, as the junior bishop, then read prayers. Soon afterwards Sir Charles Abbott (chief-justice of the king's-bench), together with Mr. justice Holroyd and Mr. justice Best, entered the house. They were soon after followed by lord chief-baron Richards and Mr. baron Garrow. The lord chief justice of the court of common pleas arrived immediately afterwards. At 10 o'clock precisely the order of the house was read for calling over the names of the peers by Mr. Cooper, deputy clerk of parliament.

The preliminary business having been gone through, The *Earl of Liverpool* moved, that the order of the day or the second reading of the bill of Pains and Penalties be now read.

The *Duke of Leinster* immediately rose and said, that, in conformity with the notice he had given on a previous day, he would, in this early stage, oppose the measure now about to be brought under their consideration. He would not, however, intrude much on their lordships' time. The best way, he believed, to bring it to a point was to move "That the said order be now rescinded."

The *Lord Chancellor* then put the question.

The cry of "Content," was feeble, that of "Not content" was very powerful.

The *Duke of Leinster* demanded a division.

Strangers were ordered to withdraw, when the numbers were—

Contents, 41 | Non-contents, 206 | Majority, 165.

On our re-admission below the bar the order of the day was read ; after which it was moved by the earl of Liverpool that counsel should be called in and heard in support of the preamble of the bill.

The *Earl of Carnarvon* then rose, and in a speech of considerable length, replete with sound argument, stated his reasons for opposing the present proceeding. He objected to it because it was inconsistent with the public interests, and also because he felt that it was inconsistent with their lordships' honour. He felt such strong objections to a bill of this kind, that he could hardly conceive any cause sufficiently forcible to induce him to vote for such a proceeding. But if any case existed in which he could bring his mind to support a bill of pains and penalties, it must be one of absolute necessity.

A discussion now took place as to the propriety of the course about to be pursued towards the queen, and as to whether the crime imputed to her did not amount to high treason, and therefore subject to a mode of proceeding different to a bill of pains and penalties. Earl Grey, earl Liverpool, and the marquis of Lansdown took part. The questions which arose were then submitted to the opinion of the judges ; and those learned judges having retired, after an absence of 20 minutes, the lord chief justice Abbott delivered their united opinion to the following effect :

“ The judges have conferred together upon the question proposed to them by the house, whether, if a foreigner, owing no allegiance to the crown of England violates in a foreign country the wife of the king's eldest son, and she consents thereto, she commits high treason, within the meaning of the act of the 25th Edward III. ? And we are of opinion that such an individual, under such circumstances, does not commit high treason, within the meaning of that act.” This opinion, his lordship continued, was grounded upon the language of that statute of Edward III., which declared it to be treason for any man to violate the wife of the king, the wife of the king's eldest son, &c. ; the judges holding that, unless there were a man who could be legally charged with such a violation, the charge being that he did the act against his allegiance ; it could not be said that treason had been committed. An act done by a foreigner, therefore, owing no allegiance to the crown, could not amount to that crime.

The question that counsel be called in was then put and carried, when the folding doors behind the bar were thrown open, and Messrs. Brougham, Denman, Lushington, Williams, Tindal, and Wild, followed by Mr. Vizard, appeared on behalf of her majesty. A moment after, the attorney and

solicitor-general, the king's advocate, Dr. Adam, and Mr. Park, entered by the door commonly appropriated to strangers. They were attended by the solicitor to the treasury, and by Mr. Powell, who attended the Milan commission.

As soon as the counsel presented themselves at the bar,

The *Duke of Hamilton* requested to know by what authority the attorney-general stood in that place? on what part he appeared? and by whom he had been instructed to appear?

The *Earl of Liverpool* understood the attorney-general appeared in consequence of an order received from the house. He had taken those steps which to him seemed best for the purpose of obtaining information. He had applied for information to the secretary of state for the home department, and with that and such other information as had been obtained, he now appeared for the purpose of opening the case.

The *Duke of Hamilton* acquiesced in the explanation of lord Liverpool.

Mr. Brougham then said, that he humbly conceived the time was now come when, under the authority of their lordships themselves, he was free to state his objections to the principle of the bill. It appeared to him that, before any evidence was received, and laying entirely out of view the truth or falsehood of the allegations which it contained, he had now a right to contend against the measure, both as impolitic and unjust. Admitting for the sake of argument that all those allegations were true (not one of which, he was prepared to re-assert, had the slightest colour or foundation), but making the admission with a full conviction that neither the sagacity nor knowledge of their lordships would allow them to misinterpret it, still he had to demur, still to object, for powerful reasons, to the further progress of this measure. His objections were of a nature and kind not to be weakened or interfered with by any proof of the facts which constituted the foundation of this proceeding. He now therefore humbly prayed to be allowed, if not as a matter of right and justice, as matter of indulgence, to be heard against the principle of the bill in this present stage of its progress.

Counsel was then ordered to withdraw, but retired only a few steps from the bar. After a few minutes it was communicated to them that they were at liberty to urge their objections to the principle of the bill, either at that time, or after the evidence was concluded.

Mr. Brougham then commenced his general address to their lordships against any further proceedings with the bill of pains and penalties on the queen. Such laws were sometimes passed in the earlier periods of the Roman history, and were denominated *privilegia*. They were divided into two

classes: one consisting of laws passed against, and the other of laws passed in favour of, individuals. The great Roman jurists, however, who well knew the value of their expressions, as well as of the principles which they established, had called all such laws *privilegia edicta*, thereby indicating to aftertimes, that they ought never to be resorted to except in cases of absolute necessity. He would not say that all those whom the great masters of ancient jurisprudence served had governed their conduct by that principle. On the contrary, he was well aware that no blacker proceedings were to be found than some of these *privilegia edicta*. Another objection to the present bill was, that it was an ex-post facto law: it suffered a deed to be done, and afterwards pronounced upon its innocence or its guilt. Without notice or warning, it laid hold of a party, and inflicted punishment with the same severity as if the supposed crime had been distinctly defined, and the punishment denounced. The bills passed against Mortimer and others at the commencement of Edward III.'s reign, were afterwards rescinded; as was also the case with most of those passed during the reign of Richard II. The succeeding age was almost sure to guard them as measures adopted to serve a temporary purpose. He did not think it necessary, at this stage of the proceeding, to make any reference to the reign of Henry VIII., and he should therefore pass over the whole history of that barbarous and detested prince; detestable alike for his spoliation of property and his cruelty to his family; but still more detestable for his violation of the dearest and most sacred charities. He should therefore take his stand upon what had passed under milder reigns, and the case of lord Strafford, under Charles I., would be sufficient for his argument. He considered the bill of attainder passed against that nobleman as the greatest disgrace that ever sullied the purity of either house of parliament. Had the impeachment been persevered in, the proceeding would have had the semblance of a judicial inquiry. It would have been *quasi* judicial, although the principles of justice would even then have been violated while its forms were half observed. But he now alluded to the bill of attainder, and desired to remind their lordships of the sense entertained of it by their ancestors, and by that country of which they were the ornament. He would read to them the recorded sentiments of those ancestors, because no language of his could make so deep an impression as this was calculated to make on the hearts and understandings of all men. After stating, that, under various pretexts, the turbulent party, hostile to lord Strafford, seeing no mode of obtaining their object by any ordinary procedure, had resolved to effect that nobleman's destruction (meaning not only his bodily destruc-

tion, but that of his character), and, therefore, purposely murdered him. The bill reversing the attainder enacted that all records and copies of proceedings relative to that attainder should be wholly cancelled, defaced, and obliterated, in order that they might not be visible in after ages, or brought into precedent to the prejudice of any person whatever. The present bill, substituting, for death, deprivation of rank the most illustrious, removal from a station the most exalted, and the loss of privileges the most esteemed amongst women—aye, and what was yet dearer, the ruin of her character and happiness—belonged strictly and technically to that class of enactments which their lordships' predecessors had thus characterized. When that part of the bill which provided for destroying the records was omitted, the omission was made out of a still greater hatred of the proceeding, and with a view of keeping it as a land-mark of what it was most important and necessary to avoid in future. He had thus stated his general objections to all bills of this nature, and he had now to address himself to the one immediately before them. He should form but an inadequate approximation to the understanding of this libel if he believed it to be only like other bills of pains and penalties; for he would venture to say, that the worst of those bills, (not excepting even those relating to the wives of Henry VIII.) was, when compared with the present, a regular, consistent, and judicial proceeding. In the first instance he assumed that nothing illegal could be laid to her majesty's charge. He was bound to assume this by the decision of the judges, and, indeed, from the very face of the proceeding. If there was any possibility of proceeding at law, their lordships could not entertain this bill for a single moment; but, because nothing illegal had been done, they were asked to proceed in this manner. It did not, however, follow that a judicial investigation might not take place. Impeachment was a remedy for cases not cognizable by the ordinary jurisdictions. The house of commons might impeach for whatever was indictable, but they might also impeach in cases where no indictment could be found. He submitted, therefore, that some satisfactory reasons ought to be stated why impeachment was not resorted to in this instance. An impeachment was pending in lord Strafford's case, when his enemies, finding that it was not likely to answer their purpose, had recourse to a bill of attainder. He felt himself justified in assuming that some considerations of the same kind had led to the present extraordinary measure. Was the case such, that no house of commons could be expected to pass a vote upon it? or was the evidence so lame and defective, that no committee would recommend any proceedings in relation to it? Why

had they not confidently trusted to that house, and taken their papers and their witnesses where an impeachment might be founded upon them, and where their lordships would have to administer justice in the regular and established form? Her majesty was deprived of many advantages by this adoption of a different course. In the other case she would have been furnished with some specification of the charges, or at least they would have been set forth with more peculiarity of detail as to the various points of the accusation. Perhaps also a list of witnesses could not then have been withheld, and, in a word, the queen would have had all the advantages of a real judicial proceeding. Now he would not say that the present measure might not be carried on in the spirit of justice, but in every other respect it was as unlike a just measure as any to be found recorded in the annals of parliament. When a body of men were assembled, and engaged in conducting a measure in the manner usual in legislation, it was not to be marvelled at that a party should prefer the same men sitting in a judicial character, and deciding upon their honor, to their proceeding in a legislative way amidst conflicting opinions, after repeated separation, and without any of the forms of an ordinary court of justice. But the charge here, as he had already said, was not of any illegal act, and the whole proceeding was legislative, and not judicial. He was, therefore, let in to discuss the expediency as well as the justice of this prosecution. He was at liberty to contend that it was impolitic and mischievous, even if founded upon the most unquestionable testimony. The case of Lord Strafford, and the proceedings to which it led, as well as the protests of the virtuous minority who opposed the bill—all went to prove that such measures could only be justified in order either to save the state from ruin, or because justice had failed from some positive default in a court competent to administer it. With regard to precedents he would refer only to that of bishop Atterbury, the protest on which was signed by thirty noble lords. The lights and ornaments of the times in which they lived. It was drawn up by Lord Chancellor Cowper, and it resisted the measure, because, as the protest stated, "nothing but absolute necessity to avoid pain, or a direct failure of justice, could authorise such a proceeding." The burden of proof on the necessity of this bill being thrown on the other side, he would ask, where was that impelling and overruling necessity (he did not say motive, for that might be guessed) which alone could prescribe and justify this measure? Was the succession or its purity endangered, or was there even a possibility of its being put in jeopardy? If her majesty had been brought to trial under the statute of Ed

ward III. he was quite ready to allow that he could not resist the unavoidable presumption of law, that the royal succession was endangered. It would be childish and senseless to argue against that presumption, which was made for general and not for particular cases. But here he stood upon a different ground: this case was an exception to all others, and he had a right to argue upon the fact, because there was no existing law to govern it. Here he was entitled to ask, Why proceed with this bill without necessity? Why attack the queen for acts which, if committed, could not endanger the succession? This was not a trial under any known law; and if the possibility of danger of this kind were established, he allowed that one of the preliminary objections to the bill had been removed. But he called upon its supporters to show how the succession was endangered. If there were a chance that the succession might fail for want of heirs, some such change might be desirable; but it could not be contended that such a contingency was at all likely here to happen. It was said, that the exalted station of her majesty rendered her conduct an object of peculiar solicitude with her family, and that the legislature was bound to protect the honour of that family; that her majesty's conduct tended to degrade the throne on which she sat, and the nation over which she was placed; and it was contended, therefore, that the connection existing between her and the nation must be broken, because her conduct would sully its purity. First of all he might be permitted to ask, whether it had never struck their lordships that these charges all referred to the conduct of her majesty before she became queen, when she had no royal dignity to support, when she had no immediate connection with the diadem, and when she was only the wife of a subject, though filling the highest station in the realm? But see how this operated on another most important part of the question. If the queen had been brought before the house when Princess of Wales, and charged with offences alleged to be done in that capacity, could any man deny that a bill of divorce from her royal husband must have been the remedy, and that divorce could only be obtained with the ordinary forms? All the preliminary forms must have been observed; the party claiming the bill must have come into the house by petition, and he would come in vain, if he did not enter it with clean hands. But here the promoters of this measure waited till the queen had lost her rank as Princess of Wales, and until that rank was almost forgotten; and then they said, because she is now queen we will proceed against her for offences alleged to have been committed when she was princess of Wales, thus taking especial care not to take one step while she pos-

asserted those rights against her husband which every private wife enjoyed. He did not say that those rights were extinct, but some persons did assert it, and that was enough for his argument. Thus the question now was, not between man and wife, but between king and queen, and the promoters of this bill delayed till they thought at least that she was deprived of one protection. Either, then, this bill must be dismissed for having been brought in too late, or there was not a shadow of justice in not giving her *nunc pro tunc*, as lawyers expressed it, the benefit of her situation as princess of Wales. This brought him to implore their lordships to pause awhile on the threshold of this proceeding. "I put out of view (said Mr. B.) at present the question of recrimination: I raised it for the purpose of my argument, and I shall pursue it no further. I should be most deeply, and I may say with perfect truth unfeignedly afflicted, if in the progress of this ill-omened question, the necessity were imposed upon me of mentioning it again; and I should act directly in the teeth of the instructions of this illustrious woman [pointing to the queen, who sat immediately below him], I should disobey her solemn commands if I again used even the word recrimination without being driven to it by an absolute and overruling compulsion. In obedience to the same high command I lay out of view, as equally inconsistent with my own feelings and those of my client, all arguments of another description in which I might be tempted to show that levity or indiscretion, criminality, or even criminal intercourse (for why should I be afraid to use the term?) cannot be held to be fatal to the character of the country, or to the honour and dignity of the illustrious family governing it. Here nothing is or has been proved; and is it because calumnies have been bruited and gossipped about—because such a jealous watch has been kept upon the queen abroad, that we are to think they are to have more force than conduct less equivocal at home? That argument, and every thing resulting from it, I willingly postpone till the day of necessity; and in the same way I dismiss for the present all other questions respecting the conduct or connections of any parties previous to marriage. These I say not one word about; they are dangerous and tremendous questions, the consequences of discussing which, at the present moment, I will not even trust myself to describe. At present I hold them to be needless to the safety of my client; but when the necessity arrives, an advocate knows but one duty, and, cost what it may, he must discharge it. Be the consequences what they may, to any other persons, powers, principalities, dominions, or nations, an advocate is bound to do his duty; and I shall not fail to exert every

means in my power to put a stop to this bill. But when I am told that a case of absolute necessity for the measure is made out, because the queen has been guilty of improper familiarities (though I must look at the bill itself for the nice distinctions and refined expressions found in it)—because she has thought fit to raise from low situations, officers who had served other people in menial capacities—because she had treated them with unbecoming intimacy—because she had advanced them, and bestowed marks of favour and distinction upon them—because she had created an order, and conducted herself in public and private with offensive familiarity—I cannot help asking, if these matters are so fatal to the honour and dignity of the crown, nay, to the very peace of the nation (for what else can justify a bill like this?) why it is only resorted to at the present moment? The bill charges even a licentious, disgraceful, and adulterous intercourse, and therefore its supporters say, it is absolutely necessary for the house to interpose. But I appeal to the house—for I am compelled to do so—whether this is not only untrue, but whether it is not known to be untrue. The bill itself speaks falsely, and I will tell you why I say so. Are we arrived in this age, at that highest pitch of polish in society, when we shall be afraid to call things by their proper names, yet shall not scruple to punish by express laws an offence in the weaker sex which has been passed over in the stronger? Have we indeed reached that stage? I trust I shall not hear it said in this place: I hope that spirit of justice which I believe pervades this house at large will prevent it. But if not I will appeal to the spirit of holiness, and to the heads of the church now ranged before me, whether adultery is to be considered only a crime in woman. I make the same confident appeal, and to the same quarter, when I ask whether the crown can be dishonored, the fame of the country tarnished, and the morals of the people put in jeopardy, if an adulterous intercourse (which no one ventures to call adultery) shall be proved against a lady, when that which I venture to call adultery, because the exalted individual himself has confessed it to be so, has actually been committed by a prince. It is with the utmost pain that I make this statement: it is wrung from me by hard compulsion; for there is not a man who acknowledges with a deeper sense of gratitude than I do all the obligations which this country and Europe owes to that illustrious individual. I say it not—God forbid I should—to visit harshly upon him any of the failings of our common nature, much less to alter in one iota my recorded sense of the baseness of that conspiracy by which those failings were dragged before the public. I bring it forward because it is in truth

an answer to this case. Why was no bill of degradation brought in in 1809, after the resolution of the House of Commons, and a full confession on behalf of the party accused, that he had been guilty of "most immoral and unbecoming conduct?" All this, I say, was well known to the authors of the present bill; for one of themselves penned the very words I have just read to the house. I ask, therefore, whether there is any possibility of replying to this objection, but in one short way—that all men may do all they please, however exalted their station, however intimately connected with the Crown, and with the highest interests of the state, that their conduct is perfectly indifferent; but let the tooth of slander once fix upon a defenceless female of the family, who has been residing abroad, who has been allowed to expatriate herself; who has been assisted in removing from the country; and even cherished to keep away from it; then, at that instant, the venom must distil, and she must be persecuted and prosecuted; under the canting, hypocritical, and disgusting pretence that the character of the country and the honour of the crown are at stake. Whether all of us, nearer to the object, do or do not see through the flimsy pretext, be assured that the good sense of the nation cannot be deceived, and that those at a distance will be both shocked and astonished. The people at large must look upon it as something too ridiculous to be examined. I myself can hardly use decorous terms in speaking of it, and they, in their homely language, will assert that it is an attempt to accomplish one purpose under the colour of another. "Here is a man," they will say, "who wishes to get rid of his wife; he talks of the honour and safety of the country; yet its dearest interests, its peace, its morals, and its happiness, are to be sacrificed to gratify his desires." He would ask who had encouraged the queen to go abroad? When that illustrious personage, worn out by all she had experienced in this country; naturally began to think repose a blessing, who had recommended that she should seek it on the Continent? Who had opposed the advice given by the friends of the queen, to which they had set their hands, and he (Mr. Brougham) among them, that they would answer with their heads for her safety while in England, but that when abroad she would be surrounded by foreigners, spies, and informers? Who had counteracted this faithful suggestion? Who but those who were now arrayed against her, with a green bag of documentary evidence in the one hand, and this bill of degradation in the other? How happened it that they never before thought of the character of the country, the honour of the royal family, and the dignity of the throne? Where was their boasted sagaci-

ty, when these evil counsellors could not foresee what might be the consequences of the step they were so earnestly recommending? Then there was no whisper of any thing of the sort; all was to be ease, tranquillity, and liberty, for the rest of her majesty's life: there was to be no watching, no prying, no spying, no asking "why do you do so or so?" but all was to be kindness and toleration. With these promises, the next thing was to assist the queen to depart. The ship of war, which was refused to bring her back, had been readily granted to take her away. Money was also offered, with equal liberality, for her outfit, and her residence abroad commenced under the happiest auspices. Yet reports soon came over; they increased by degrees; the slander became blacker and more malignant; and as early as four years ago it had assumed a certain consistency. Still there was no jealous watching; no hunting for evidence, and no hint given to the queen that it would be fit to be more guarded in her conduct: the character of the country, and the honour of the crown were then never dreamed of. Ministers had never said, "Return; this is dangerous—the country suffers—the crown is dishonoured—the royal family degraded by these calumnious reports." On the contrary, they had done every thing to encourage her staying; and he (Mr. Brougham) would venture to stake his existence that any man would have been deemed an enemy, and have had the court doors flung in his face, who should have had the hardihood to counsel that her royal highness should have been requested to re-visit this country. Yet these very men, after forcing her away—after aiding, abetting, and encouraging a foreign residence—after taking no one step to put an end to that which they themselves alleged to be the sole cause of the evil: even at the twelfth hour, and when the twelfth hour was about to toll, did they then come with a request that she should return? Did they then suggest that her majesty, having changed her station, could no longer live abroad with safety—that what might be good for a princess was evil for a queen? Did they come forward with any plain frank disclosure that some enquiry might be rendered necessary—that reports had got abroad so malignant that they could not be overlooked—that suspicion attached, and that that suspicion must be removed? Was any thing of this sort done; not in kindness to the queen, but in compassion to the long-suffering people of England now agitated by this great question? No such thing: to the last moment she was warned not to come back: she was to be pensioned, largely pensioned, for not coming home; and she was to enjoy the rank she had degraded and the privileges she had forfeited. She was to have an income to enable her to be wicked on a larger

scale ; all levity, all indiscretion, even "adulterous intercourse," was to be pardoned on one condition, and that condition was, that she should continue abroad, before the eyes of foreigners who envied and hated us : she was to be the degrading spectacle of the queen of this country, without one of the virtues that ought to belong to her sex and her condition. With these facts before him, he must have a mind capable of swallowing the most monstrous improbabilities who could lend himself for one moment to the belief that ministers gave credit to the preamble of the bill. It would never have been heard of if the queen had returned from Calais ; but her landing at Dover called up all those phantoms of national degradation and insulted honor, of which so much had recently been heard : they were all raised by the foot which she set upon the English shore ; and if she had consented to restrain it, she might still have lived without imputation, at least from the quarter in which it now originated. "I end here (said Mr. Brougham) what I have to urge, not that I have nothing more to bring forward, but because I am sure that your Lordships are men of justice, that you are men of principle, men of ordinary sagacity, and, above all, that you are men of honour. I have made my appeal to you upon this bill, and I feel confident that I have not made it in vain. True it is that your committee has reported in its favour, but that cannot pledge the house, and he is the greatest of all fools who consults his apparent consistency at the expence of his absolute ruin. The sooner you retrace the step into which you may have been led at an unwary moment, the greater will be the service you render your country ; if you decide that this bill ought not to proceed, you will be the saviours of the state, and indeed promote the substantial welfare of the kingdom, and the truest honour of the crown."

Mr. Denman having requested time, the Lord Chancellor said that the house would proceed to-morrow, and that only two counsel would be heard for or against the bill.—Adjourned at a quarter past four.

SECOND DAY.

The counsel and agents were then called in.

Mr. Denman presented himself at the bar, and in a speech distinguished as much for eloquence as it was for sound argument, argued against the principle of the bill. I trust, (said the learned counsel) your lordships will, above all things, seriously weigh the balance of evil which is likely to arise from this measure. I trust also, that you will not, yourselves, overlook any matter which is calculated to in-

jure, or produce a disregard for the marriage tie. Look, my lords, to the moral feelings of the country, which this measure is calculated to outrage. Observe that all this cannot be productive of any good—but must, be the result what it may, produce infinite harm to the country. I must here, on the part of her majesty, protest against any proceeding by bill of pains and penalties, when the scene is laid in a foreign and distant land, when the enquiry is to be into a life of more than six years, and when the accused has been refused a list of the witnesses against her. This last refusal placed her majesty in a worse situation than any person taking his trial in one of the lower courts. The request made to your lordships was, in fact, that this great principle might be preserved, but modified according to your lordships' pleasure, so as to avoid inconvenience. This, however, has been refused. In the case of a charge in the lower courts the witnesses appeared before a grand jury, and the accused had an opportunity of ascertaining the character of the persons by whom the accusation was to be supported. But her majesty has been denied this right. Therefore instead of having received any favour at the hands of your lordships, she has every right to complain. Again, I say, that in her majesty's name I protest against this bill of pains and penalties in a case which admits of impeachment. I also protest against your lordships not discharging the duties imposed on you, as well as your exercise of a power not contemplated by the constitution. Your lordships may meet with the co-operation of the other branch of the legislature; but be it remembered, that you may also meet with its check and controul. I must here guard myself from any imputation, from what I have said, that either I or my learned friends are declining the contest. No; we do not shrink from the combat—we are ready and anxious to meet it. Here I feel it my duty to state, that I owe to my illustrious client an apology, for having, in the line of argument which I have been obliged to take, allowed even a possibility of the truth of the charges against her. I feel a perfect conviction of her innocence; I feel also, that there cannot be brought against her any thing, which, to an honourable mind, will be a proof of her guilt. But whatever be the consequences which follow this investigation, whatever may be the sufferings inflicted on her majesty, I shall never withdraw from her that homage and respect which I owe to her high station, her superior mind, and those resplendent virtues which have shone through a life of persecution and of suffering. I shall never pay to any other who may usurp her place that respect and duty

which belong to her, whom the laws of God and man have made the consort of his present majesty, and the partner of his throne.

Her majesty entered the house during the learned counsel's speech, and at its conclusion withdrew.—She was treated by the house with every mark of respect.

The Attorney-general then rose and said, the question to be considered was, whether they would entertain the grave and solemn, but disgusting charges preferred against her majesty—or whether they were prepared to say, that notwithstanding the proof to be adduced, there was something in this bill that it ought not to be followed up by the enactments contained in the preamble? This was his view of the question before their lordships. But see how it had been argued by his learned friends. They had argued the question as if the preamble had not been proved, and yet they had indulged themselves in talking of spies, informers, perjured and suborned witnesses. When those witnesses had given their testimony, the time would come to speak of their character and the nature of their testimony. This line of proceeding was, in fact, nothing more nor less than tampering with their lordships' feelings, and doubtless it must have made an impression upon their minds. His learned friends, had also placed another difficulty in his way. They had found fault with the framing of the preamble, and not satisfied with that, had gone through its whole history? They attacked the proceedings of the secret committee, and went on to shew the disadvantages under which her majesty laboured, in consequence of not having her case brought before a grand jury. But their lordships had decided that this was the only mode of proceeding; they had decided, that the crime with which her majesty was accused, though if committed in England would be treason, could not be so construed, having been committed abroad, and with a foreigner. They had in fact decided, that her majesty was not amenable to any of our courts of justice, and this was the only mode of proceeding which could be instituted. Their lordships instituted this inquiry on the report of a secret committee; this, it was urged, deprived her majesty of the benefit derived from a grand jury. But did the committee find her majesty guilty of any one charge? They merely said, that from what had been laid before them, they were of opinion, that there was serious ground of charge against her majesty, affecting the dignity of the crown, and they recommended the house to proceed to an enquiry. See then, how the arguments of his learned friends were applied—first, they found fault with the preamble of the bill; and,

secondly, they quarrelled with the measure itself, which their lordships, by their having read it the first time, had sanctioned. It was urged that the secret committee had reported upon unvouched documents. He had no means of knowing upon what statements the secret committee reported, nor did he know from whence his learned friends drew their information; but he was much mistaken if the select committee had not had the sworn testimony of witnesses in support of the statements laid before them. But whether they had or not such testimony was not now the question; their lordships had decided upon that report, and that decision could not now be called in question. The grounds alleged in the preamble of the present bill were of the same public nature and import as those stated in the bill against the bishop of Rochester. When the facts recited were proved in evidence, the great question which their lordships would have to decide, would be, whether such a substantiation of the truth of the facts should be followed by the enactment of the bill? It had been endeavoured by his learned friends to raise an objection to the bill, on the ground that the charges which it alleged against her majesty had flowed from slander and perjury. In the present stage of the proceeding, what right he would ask, had they to argue upon such a gratuitous and unprovoked assumption? Where were the proofs to justify it? Their lordships knew nothing of them—they could not know any thing of them; and for what purpose such a line of observation was introduced, he would leave to their lordships to decide. In the same spirit, it was objected by his learned friend, that the present bill originated in a committee of that house, where no decisive opinion had been formed. He could not see the least strength in such an objection. The decisive opinion of their lordships had yet to be formed. It would be doing a great injustice to her majesty had their lordships, in that previous part of the proceeding, ventured to pronounce a decisive opinion; it would then be imputed to them that they had forestalled and prejudged the question. Their lordships had wisely abstained from such a course. All that they had done was to express their opinion, that there existed grounds for a serious charge against her majesty. Throughout the whole of the argument of his learned friends, that had been assumed, which, at least was extremely doubtful, namely, that in proceeding against her majesty an impeachment could have been founded. The whole of the argument against proceeding by bill of pains and penalties, rested on the ground of their lordships acting in that case in their legislative, and not in their judicial capacity. When,

therefore, his learned friends deprecated such a course, and contended for an impeachment, they were bound to have shewn, that in the present case an impeachment could have been maintained. That proof they had declined; and their lordships, he trusted, would agree with him, that the wisest course which could have been pursued, was the one which was the least subject to doubt and uncertainty. Besides, he would confidently say, that notwithstanding all those airs of triumph with which those objections were introduced—notwithstanding all the inflammatory language which accompanied their statement, that a very different character would have been given to the measure of proceeding by bill of pains and penalties, had not that been the very measure, which in the present case had been adopted. It was adopted because it adverted to certain charges against her majesty, which, though of the gravest import, were not a violation of any law; while the best authorities supported the doctrine that an impeachment could not be maintained but for a breach of the law. Sure, then, he was, that notwithstanding all the challenges now so heroically thrown out, notwithstanding all those allusions to the morality of the country, and all those various topics so liberally brought into view, had impeachment been the proceeding adopted, the very same objectors would have deprecated it, and have said, that the proceeding in the case of an adultery should have been by bill, and not by impeachment; because by the adoption of the latter course, the accused party was deprived of the power of recrimination. They complained of the proceeding by bill, because they were now shut out from recrimination, and strange to say, regret that the impeachment was not adopted—a course of proceeding which no lawyer would venture to assert, allowed the accused to recriminate. All this contradiction had its purposes; it was to terrify and to alarm, and to withdraw the minds of their lordships from the real question on which they had to decide. His learned friends had, it was to be recollected, taken this course, not in the exercise of a duty compulsive with them, but acting under any indulgence so very rarely allowed by that house—so rarely indeed, that the divorce case of the Duke of Norfolk was the only one to be found where the counsel of the accused was allowed to interfere before the evidence was produced. It was not, then, too much to expect that those sweeping charges should have been deferred until the character of the evidence to be produced was ascertained; before the charge of corruption was thrown out against witnesses to be examined, surely his learned friends should wait until enabled to sustain such imputations by proof. His

learned friends may prejudice, they may prejudice, they may assail the characters of the most eminent and illustrious in rank and station ; they may rake from the shades of oblivion, all those prejudices, or failings over which the healing spirit of time and more correct feeling had, in consideration of his many virtues, thrown a veil ; they may select the moment when an illustrious individual (the duke of York, we presume) was next in succession to the throne, when the remains of his illustrious partner has just been consigned to the grave, to wound his feelings, and revive recollections which a better feeling had never disturbed : all these things his learned friends may do with impunity—to him it was only to state the facts which he should call upon evidence to sustain. They may declaim on the bribes by which that evidence was obtained, and animadvert on the nature of the motives which they presumed to operate on the minds of some of their lordships. All that remained for him was to conjure their lordships, and he knew he did so not in vain, to dismiss all such inapplicable statements from their minds, and to apply themselves to the great and important question, on which, in fact, they were called in their judicial character to pronounce.

The Solicitor-general was next heard at considerable length.

Mr. Brougham, in reply, urged a variety of arguments in favour of his original proposition, and shewed the impolicy of the principle contended for by the counsel for the crown.

THE
Legislatorial Trial
 OF THE
QUEEN,
 COMMENCED AUGUST 19, 1820.
 In the House of Lords.

THE great and important trial of her majesty at length commenced, after the failure of every attempt to evade it. The expectations of the public were at their height when lord King gave notice of a motion to stop all further proceedings.

On Saturday, August 19, 1820, lord King moved, "That it appears to this house that it is not necessary for the public safety or the security of the country, that the Bill entitled, 'An Act to deprive her Majesty,' &c. should pass into a law."

On which lord Liverpool moved as an amendment, "That the Attorney-General be directed to be called in."

Earl Grey opposed the amendment.

The house divided,

For the amendment	181
Against it	65

Majority..... 116

Earl Grey then moved: "That it appears that the bill now before the house does not afford the most advisable means of prosecuting the charges against her majesty, and that, therefore, under the present circumstances it is not necessary or expedient, to proceed further with it."

This resolution was put as an amendment to the motion of lord Liverpool, "That counsel be called in," and was negatived by a division as follows:

For the amendment	64
Against it.....	179

Majority 115

The counsel were then called in, and the Attorney-General and the counsel for the crown on the one side, and Mr. Brougham and the counsel for her majesty on the other, appeared at the bar.

The Lord Chancellor. Mr. Attorney-General, you will proceed to open your case.

The Attorney-General immediately proceeded to address the house in a low tone of voice, and spoke as follows:

MY LORDS,

I now attend at your bar to fulfil the duty which you have demanded, of stating to your lordships the circumstances which are to be adduced in evidence in support of the charges which are contained in the preamble of the bill now under your lordships' consideration. A duty, my lords, more painful, or more anxious, I believe, was never imposed upon any individual to accomplish. (Cries of 'Speak up'.)

My lords, I am sure I shall receive your lordships' indulgence, if under the weight of this most important duty I feel that which I cannot express (cries of "louder.")

My lords, I was stating to your lordships, that the duty which I now have to perform is one of the most painful and anxious which was ever cast upon any individual. I have, my lords, to state to your lordships the circumstances which are to be adduced in evidence to your lordships

in support of those serious and heavy charges which are made in the preamble of the bill, which has already been so much the subject of discussion. Charges which, in the language of the preamble, not only reflect the greatest scandal and disgrace upon the individual against whom they are made, but also reflect the greatest disgrace upon the country itself. The highest individual, as a subject, in the country, is charged with one of the most serious offences against the laws of God and man. It is that of an adulterous intercourse—an adulterous intercourse carried on under circumstances of the greatest aggravation.

My lords, upon the nature of this charge, or upon the importance of this investigation, it is quite unnecessary for me to enlarge. Your lordships, and every individual in the country, are capable of estimating these topics in their proper light. The only consolation, my lords, which I derive under the discharge of the duty which I have now to fulfil, is, that it calls not upon me to address myself to your lordships' passions or feelings; and that I shall best discharge it according to your lordships' commands by abstaining from any observation which might tend to aggravate the charge made against so desecrated a person. I shall confine myself, in this stage of the proceeding, to a clear, simple, but full recital, of the facts which are to be alleged in evidence.

My lords, we are now arrived at that period of the proceedings in which silence can no longer be preserved. It is now necessary to state the charges in the fullest extent in which they can be laid before your lordships and the public; and if in the recital of the circumstances which I have to detail, I shall be under the painful necessity of bringing before your lordships scenes which must disgust every well-regulated mind, transactions which must offend the feelings of every honourable and virtuous person, I am sure your lordships will think that upon this occasion I ought to hold no reserve, at the same time taking care to state nothing which, in my conscience, I do not believe I shall be able to substantiate in proof.

I shall now, my lords, without further preface, state to your lordships the painful narrative of those facts and circumstances which are to be

adduced in proof before you. My lords, undoubtedly, the recital must involve a considerable space of time and apply to facts which took place in various places, in which her majesty chanced to be during her residence abroad. I shall, therefore, commence my statement at that period when her majesty quitted this country, and proceed, as well as I can, to detail the various facts and circumstances which took place from that period almost to the time I now have the honor of addressing your lordships.

My lords, it is well known to your lordships and the country, that in the year 1814, her majesty, for reasons operating upon her mind, and not by compulsion, as has been insinuated by my learned brothers, thought fit to withdraw herself from this country to a foreign land.

Mr. Brougham here made some remarks explanatory of his own observations on this subject.

The Attorney-General. I beg pardon (cries of "order, order,"), but if I am to be interrupted, it will be impossible for me to do justice to the task which your lordships have cast upon me. I am sure I shall receive your lordships' indulgence—

Mr. Brougham. I did not mean to interrupt the learned person (cries of "order, order.")

Mr. Brougham. My Lords, in all courts, (order, order.)

Mr. Brougham. In every Court, (order, order. Go on, go on.)

Mr. Brougham was reluctantly silent.

The Attorney-General:—My lords, it was, perhaps, more my fault than that of my learned friend in alluding to what had passed. I will not, therefore, take up any further time on this subject. I was stating, my lords, that in 1814, her majesty withdrew herself from this country, for the purpose of travelling upon the continent, or visiting other countries. My lords, she went in the first instance to Brunswick, and from thence, after a short stay, she went to Italy; she arrived at Milan on the 9th of Oct. 1814.—My lords, her Majesty, when she quitted this country, quitted it with persons about her who were precisely such persons as should be about an individual of her exalted rank. She was accompanied by individuals connected with distinguished families in this

kingdom. Among these were lady Charlotte Lindsay and lady Elizabeth Forbes, who were her maids of honor. Mr. St. Leger, who was her chamberlain, and Sir William Gell and the hon. Keppel Craven, who, I believe, were attached to her in a similar character. She was also accompanied by captain Hesse, as her equerry, and Dr. Holland, as her physician, besides other persons whom it is unnecessary to enumerate. With this suite her majesty arrived at Milan. It was her intention to have proceeded from thence to other parts of Italy, and to have visited Naples. She remained at Milan for a space of three months, and during that period a person was received into her service, whose name occurs in the preamble of this bill, and whose name will as frequently occur in the course of these proceedings—a person of the name of Bergami, who was received into her service as a courier, or footman, or valet de place. My lords, this person at the time he so entered into her majesty's service, was in want of employment, but he had been in the service of general Pino. It does not appear how he became recommended to her majesty, but he was received into her suite. I need hardly remark to your lordships upon the distance which interposed between her majesty and her courier, or observe that, from the natural course of things, the communication between her majesty and this man must have been most unfrequent. It was about fourteen or fifteen days previous to her majesty's departure from Milan, that Bergami entered into the situation I have described. Her majesty, on quitting Milan, proceeded to Rome, and from thence she went to Naples, where she arrived on the 8th of Nov. 1814. At Naples, this person had not been in her majesty's service more than three weeks. I beg to call your lordships' attention to this circumstance, because you will find how material it becomes when you listen to the facts which presently it will be my melancholy duty to relate. I should have stated, that besides the persons whom I have mentioned as accompanying her majesty from this country, there was a lad, whose name is, perhaps, familiar to your lordships—I mean William Austin. Up to the time of her majesty's arrival at Naples, this lad was the ob-

ject of her peculiar attention, and, in fact, was in the habit of sleeping in a bed in the same room with her majesty. The arrangement of her majesty's own sleeping apartment devolved upon one servant, whose peculiar duty it was to attend to that branch of her domestic comfort. On the arrival of her majesty's suite at Naples, it was so ordered that her majesty's sleeping room was at an opposite side of the house to that of her menial domestics, among whom was her courier.—On the first night of her majesty's arrival at Naples (the 8th of November), to which I have called your lordships' attention, this arrangement was continued. Bergami slept in that part of the house which had been prepared for the domestics, and young Austin slept in her majesty's apartment. But on the following morning, Nov. the 9th, the servants of the establishment learned with some surprise, because no reason appeared to them for the change, that Bergami was no longer to sleep in that part of the house where he had slept the night preceding; but that it was her majesty's pleasure that he should sleep in a room from which there was a free communication with that of her majesty, by means of a corridor or passage, which had been, by her majesty's express desire, prepared for him. My lords, I need not state to you that such a circumstance was calculated to excite the surprise of those whose duty it was to attend entirely to her majesty's person; and, my lords, that surprise was increased when they learnt from her majesty that she would no longer permit William Austin to continue to sleep in her room. For this she assigned a reason, which, if it was her only motive, was very proper. She said that he had now arrived at an age when it became no longer correct that he should sleep in her apartment; and a separate room was prepared for his use. My lords, I have already stated, that, from the situation assigned to Bergami, a direct communication was opened between his chamber and that of her majesty; and I believe that I shall be able to satisfy your lordships that on the evening of the 9th of November, that intercourse, which is charged between her majesty and Bergami by the present bill, commenced and was continued from that time till he quitted her service. Upon the evening of the

TRIAL OF THE QUEEN.

9th of November, her majesty went to the opera at Naples, but it was observed that she returned very early from thence. The person who waited upon her on her return, was the maid-servant, whose duty it was particularly to attend to her bed-room. My lords, she was struck with the manners of the princess, and with the agitation which she manifested. She hastened to her apartment, and gave strict orders that William Austin should not be admitted to her room that evening. She was then observed to go from her own room towards that assigned to Bergami. She very soon dismissed her female attendant, telling her that she had no further occasion for her services. The female servant retired, but not without those suspicions which the circumstances I have mentioned were calculated to excite in the mind of any individual. She knew at the time, that Bergami was in his bed-room, for this was the first night of his having taken advantage of the arrangement which had been previously made. It was quite new on the part of the princess to dismiss her attendants so abruptly, but when her conduct and demeanour were considered, suspicions arose which it was impossible to exclude. But if suspicion existed that evening, how were they confirmed by observations made on the following day—observations which, if stated to a jury in any common case, must induce them to come to a conclusion that an adulterous intercourse had taken place that night between this exalted person and this menial servant; for upon the following morning it was discovered that her majesty had not slept in her own room that night. Her bed remained almost precisely in the same state as on the preceding evening; and, my lords, the bed of the other person on inspection was decisively marked as if two persons had reposed in it. I stated to your lordships, that the apartment of her then royal highness were distant from those of her suite. On the morning following it was observed that her royal highness did not come from her apartments at the usual hour. Her royal highness's attendants never entered her rooms without her express permission. It was also observed that Bergami also resided in his room later than usual on that morning. Her royal highness's arrival in Naples be-

ing known, she was, of course, visited by most of the rank and fashion of the town, but she was not visible until a late hour on that morning. I have already drawn your lordships to the observations which had been made by the servants respecting the beds. I say then, my lords, that if the case depended on these facts alone, there is not any man who can doubt of the conclusion at which your lordships must arrive. But, my lords, you will perceive by what I have yet to detail, that this scandalous, depraved, and licentious intercourse, was carried on without interruption for a very great length of time. The natural effect of such an intercourse was to alter the comparative distance between this courier, this menial, and the royal personage, who descended from her royal dignity so far. A freedom was, therefore, assumed by Bergami, in which he could under no other circumstances presume to indulge. It was also observed by the other servants that a considerable alteration took place in the demeanour of her royal highness towards Bergami.—An alteration which convinced those who observed it, that an improper intercourse existed between them.—A few days after the period to which I have just alluded, her royal highness gave her last ball at the house of the then king of Naples. It was a masked ball. Her royal highness's first assumed character was a Neapolitan peasant. In a short time, however, she returned to the house at which she dressed, not to her residence. She withdrew to a private room to change her dress, and to the surprise of her servants, and the attendants belonging to the house, her servant Bergami was sent for, and retired into the room with her. The character which it had pleased her royal highness to assume on that occasion was, the Genius of History, and she was conducted by a gentleman to the ball in that character. I am instructed to state, that the dress worn by her royal highness on that occasion, was of a most indecent and disgusting kind. Now, my lords, it is most material to observe, that her majesty had taken off her other dress and put on this in the presence of her courier Bergami—he alone being present. Let me ask your lordships what motive could her majesty have in preferring the services of this man to that

of her usual attendants on such an occasion? Why should she require the assistance of a man, and that man one of her menial servants, in her dressing room? A man who waited behind her chair at dinner, and who went before her as her courier, when she travelled from place to place. What, I ask, could her reason be for selecting this man on such an occasion, unless for the purposes, alleged in the preamble of the bill? But more. Her majesty returned a third time from the ball. She then changed her dress to that of a female Turkish peasant,—and who was her companion on this occasion? Her courier, her menial servant, Bergami; he accompanied her majesty, dressed as a Turkish peasant, to a ball given to royalty, and to the first nobility of the country. It appears, however, that Bergami did not long remain at this ball. He returned home, apparently dissatisfied with something that had occurred.—I know not what. Her majesty came home shortly after, and endeavoured to prevail on him to go back to the ball; she pressed him much, but he declined going. Her majesty then returned alone to the ball, but she did not remain long. It was observed by those servants whose business it was to be more immediately in attendance on her majesty, that at whatever hour she rose in the morning, Bergami rose at the same period; and also, that her majesty was in the habit of breakfasting in her apartments in company with him alone,—her suite being in apartments at some distance from her's. Notwithstanding this great familiarity and preference, the situation of Bergami remained the same; he still acted as her courier, her valet-de-chambre, and continued to wait at table as usual; in short, he appeared to the English ladies who attended her royal highness just in the same character as when he was first hired. It was only in secret, or at least before her majesty's immediate attendants that those familiarities of which I speak were at all visible. Her majesty was in the habit of occasionally walking on a terrace, and there she was seen at various times, leaning on Bergami's arm with the greatest familiarity. It happened during her majesty's residence at Naples, that Bergami had been injured by a kick from a horse. He was for some time so ill as to be confined to his

room, and your lordships must perceive how great must have been the ascendancy which this man acquired over her royal highness, when I state that she hired a servant introduced by him, as an attendant during his illness. This man slept in a room close to that occupied by Bergami, and had, on three or four occasions, observed her majesty, after her household had retired to rest, go from her own room with much caution, along the passage to that of Bergami. On each occasion she remained in the room a considerable time. I am instructed to state, and it will appear in evidence, that, after her majesty entered the room, this man could distinctly hear them kissing. (Here a buzz of surprise was heard throughout the House.) I am aware my lords how these circumstances, disgusting as they are, must excite feelings of disgust in the minds of your lordships, and even feelings of prejudice against him, whose painful duty it is to recite them; but painful as it is, it is still a duty which devolves upon me by your lordship's order, and I feel myself bound so to state the facts, that your lordships may fully understand the nature of the intercourse which took place between her majesty and this individual. I feel assured that in doing this, to the best of my ability, I shall not incur your lordships' censure. Her majesty resided at Naples from November to the March following, and during the whole of that period the intimacy which I have described, continued without interruption. I do not wish to avail myself of any rumour that was afloat at the time; but I cannot help remarking on the singularity of the circumstance, that her majesty on quitting Naples lost the greater part of her English suite. I shall leave the facts, coupled with the other circumstances of the case, to speak for themselves. So it was, however, on her majesty's leaving Naples, a great portion of her suite remained behind. I should here observe, that Mr. St. Ledger left her majesty at Brunswick. Of him therefore I do not mean to speak on this occasion. But Lady C. Lindsay and Lady Elizabeth Forbes remained at Naples on her majesty's departure. I beg pardon, Lady Elizabeth Forbes remained at Naples, Lady C. Lindsay accompanied her majesty, but left her at Lagnora, in

1845. The persons left behind at Naples, were Lady C. Forbes, Sir William Gell, the Honourable K. Craven, and Captain Hesse: So that of seven English persons who accompanied her majesty from England, one remained at Brunswick, and four at Naples. It is probable, that at another stage of these proceedings, proper reasons will be assigned for the departure of these persons. I cannot help observing on the singularity of their all having left her majesty's service nearly at the same period. I cannot help imagining, and I am sure your lordships will think, that though these persons were unacquainted with the nature of the connexion existing between her majesty and Bergami, yet that some rumour must have reached them of the visible familiarity that was observed to exist between them. Be the cause what it may, so it was that those persons left her service. While her majesty resided at Naples, another circumstance occurred between her majesty and Bergami, well worthy of your lordships' attention. There was a kind of public masquerade held at the Theatre St. Charles, in that city. Her majesty thought proper to attend it, not however in the company of Lady C. Lindsay, not in the company of Lady Elizabeth Forbes, not attended by the gentlemen who were her chamberlains at that period: no, her majesty chose as her companion on that occasion, her courier Bergami, and a female servant, named Made moiselle Dumont. These two were her majesty's companions, and my ord, the whole party wore dresses selected by her majesty. These dresses, if I am rightly instructed, were of a most gross and indecent description; so much so, that on entering the theatre they excited universal attention, and were received with such marked insult and disapprobation, that they were obliged almost immediately to retire. How do your lordships suppose her majesty went to the theatre? You will, of course imagine that she went in her royal carriage, attended by her suite, but no, a common fiacre was hired, and in the dark of night her majesty and her party had to walk across a garden, at the gate of which the fiacre waited to receive them. Her majesty having gone as I described, and perceiving, that she was recognized by persons in the theatre,

immediately withdrew. Some criticisms were made yesterday on the preamble of the bill, and some observations as to what was, or what was not to be considered indecency of conduct, but I ask your lordships whether, if what I have now stated to you be clearly proved in evidence, you will not be decidedly of opinion that the allegations in the preamble of the bill, now under your lordships consideration, will not be borne out by the facts—whether these are not offences of a most gross and disgusting nature. I ask not whether such conduct is befitting her majesty, but whether it is conduct that would be pursued by any woman pretending to delicacy. And, let it here be observed, as no small aggravation to the charge, that Bergami was, at the time of entering her majesty's service, a married man, I am aware at the same time, that it is difficult to aggravate the crime of adultery. I now repeat what I fear I shall have to repeat too often, that these acts of familiarity were continued without interruption. They were seen coming from their rooms in the morning at the same time. They retired at the same hour in the evening. The servants who usually attended to undress her majesty, were dismissed earlier than usual, and it was, above all, observed, that Bergami was the only one of her majesty's servants who ventured to enter her majesty's apartments without an express intimation that their presence was required. He entered at all times, and without giving and notice, when none of the others dare approach. In short he went on with this assumption of freedom, until at last he became the lord and master of the establishment. On quitting Naples her majesty went towards Rome, and on the way remained three days at Civita, Vecchia. Leaving Lady C. Lindsay at Leghorn, her majesty went to Genoa.—At this period she had no English lady in her suite. At Genoa she was joined by Lady C. Campbell, who remained with her until the May following, when she left her at Milan. Her majesty embarked from Genoa on board the Clorinde, and during the whole of the time that she was on board Bergami waited upon her at table as usual, but her servants observed the same intimacy continue without alteration, the freedoms in which Bergami

ingled increased; and he frequently withdrew, in order to avoid the menial services which he was usually called upon to perform. While at Genoa he attended her Majesty in all her rides and walks; and had a bed room near that of her Majesty, as he had at Naples. It was observed here also, that her Majesty's bed had scarcely ever been occupied at night, while that of Bergami bore evident marks of having been occupied by two persons. So frequently was this the case, that the servant, whose duty it was to make up her Majesty's bed daily, had seldom more to do than to smooth down the coverlid, which now and then appeared to have been pressed down as to give the appearance of having been slept in. In Bergami's room, on the contrary, every thing bore a different appearance. There the bed bore evident marks of having been slept in by two persons. On this part of the case I will ask your lordships what possible reason can be assigned for the continual attendance of Bergami upon her Majesty, particularly in her apartments? If it were necessary that a male attendant should sleep near her Majesty's apartments, had she not the gentlemen of her suite?—Why was her menial servant, a man who had been known to her only three weeks, selected, unless it was for the purpose of this adulterous intercourse. Had her Majesty not her own bed to sleep in? Why, then was it left unoccupied? and why did she, as it shall be proved to you, leave her own bed unoccupied, and sleep in his? I have stated to your lordships, that her Majesty has been seen to visit this man in his bed-room, he being in bed. What, my lords, a lady of her exalted rank visit a person in his situation in his bed-room! Can it be doubted that her only object in doing so was adulterous intercourse? I know that it is incumbent on your lordships to satisfy yourselves by the most indisputable testimony that the facts which I have stated shall be fully borne out before you decide against her Majesty. But if what I have already stated be not sufficient to satisfy your lordships, you will be convinced beyond a doubt by what is yet to come, of the truth of the charges contained in the bill. Your lordships have already seen that at Naples as well as at Genoa, the similarity continued. Her Majesty and

Bergami breakfasted in the same apartment. I now come to another circumstance which marks the power this man obtained over her Majesty. Bergami as I stated was a married man. He had a daughter named Victoria. This child her Majesty took into her household. His sister, his brother, and his mother, were also taken into her Majesty's service. I ask your lordships whether it is possible that any ordinary servant could have such power over her Majesty as to induce her thus to burthen herself with his whole family. A servant, too, who had, at that period, only been in her service from August to the following April. The child was at this period about three years of age. Who do your lordships suppose was brought in to take care of this child? Its tender age would require the fostering care of its mother. The mother, however, was not taken in to attend it. The child was withdrawn from the fostering care of the parent, who must be supposed the person best calculated, both from nature and inclination to attend to its wants. Her Majesty, though she knew that Bergami was married, gave out that he was not. She said the child was one that he had had by some female, and that she was anxious to take it under her royal protection. The circumstances of Bergami's being an unmarried man, and having had a child, should not have increased the regard of a mistress for her servant. But so it was, that her Majesty received the child into her house. Her Majesty after having remained at Genoa until May 15th, returned to Milan leaving Lady C. Campbell behind. She was afterwards joined at Milan by that lady who remained with her for a short time, but quitted her before the end of the same month. On her Majesty's journey from Genoa to Milan, Bergami, who attended her as her courier, was observed frequently to go up to the carriage and converse with her. I must here keep in your lordships recollection, that Lady C. Campbell did not go this journey with her Majesty. In the course of the journey her Majesty not only frequently conversed with Bergami, but repeatedly pressed him to take refreshments, and demonstrated every mark of friendship and attention towards him. Bergami was, during this time, habited in his dress of

courier, and performing every service belonging to that situation. When Lady Charlotte Campbell left her Majesty, she remained without any lady of rank as her attendant. One would have thought, considering the high station of her Majesty, considering the situation which she expected to occupy as queen consort in this country, she would have been anxious to have continually about her person, some English ladies of high rank; or at least if she did not chuse these, that she would have sought some of similar rank in her native country Brunswick, or somewhere else on the continent. But will it be believed that she received into her house a person totally unknown to her, a woman of vulgar manners, totally uneducated; and this woman was no other than the second sister of this Bergami, of whom I have already said so much. Such was the influence of this man over her Majesty, that she received this sister under the title of the Countess of Oldi. Thus she had the two sisters, the mother, the brother and the child of this man in her establishment at the same period: but while one sister sat at her table as a lady of honour, the other lived with the servants. The brother who was also, I believe, a courier—the mother and Bergami lived with the servants also. In May, 1815, this sister, who was received as her Majesty's companion, filled the same situation which was formerly held by the Ladies Forbes, Lindsay, and Campbell. I ask your lordships what inference is to be drawn from the whole of this? Will your lordships doubt for a moment, when you hear these coupled with the other facts which I have detailed to you, that the allegations in the preamble are fully borne out by the facts? Her Majesty did not reside long at Milan. She set out for Venice. Up to this period I have shewn your lordships the continued familiarity which existed between her majesty and Bergami. I now come to a circumstance which will more fully establish that fact. I have already stated the periods at which her majesty was quitted by both her male and female English attendants. On her journey to Venice she was accompanied by the Hon. D. Burrell. [Here there was an exclamation from some noble Lord, whose name we could not catch.]

I beg pardon of the noble lord and the house. I have unintentionally mistaken the name of the gentleman; he to whom I allude is Mr. William Burrell, not Mr. Drummond Burrell.—(again there was an observation, but from what part of the house we did not hear.)—I have to apologize to your lordships for the mistake into which I have fallen. The noble lord must perceive that I meant nothing offensive in mentioning the name of Mr. Drummond Burrell. Neither do I mean any thing offensive in mentioning the name of Mr. W. Burrell. I am only stating the fact. I mention this gentleman in order to shew that he was the only English attendant who accompanied her majesty to Venice, I have not the slightest doubt that that period Mr. W. Burrell was totally ignorant of her majesty's connection with Bergami. I never meant an insinuation against his character.—(Cries of "go on,") Your lordships I am sure, will excuse me, and will believe that I could have no intention of injuring the character of either gentlemen whose names I have mentioned. (cries of "go on, go on," in a more peremptory tone.) I was about to state to your lordships a fact which occurred at Venice. On one occasion her majesty, who resided in a hotel in that city, was left after dinner alone with Bergami, who had stood behind her chair as usual. She was observed by a servant of the hotel to take a gold chain and place it round Bergami's neck. Much familiarity then took place. He took the chain from his neck, and placed it round the neck of her majesty, and she in return again put it on his. This toying was continued for some time. Why, my lords do I mention this fact? I mention it, in order to shew the increasing familiarity and growing influence which this man was daily acquiring over her majesty's mind.

After her majesty's return to Milan, Mr. Burrell quitted her majesty's service at the Villa Villani. As the English quitted her service there appeared less reserve in her attention to Bergami. There she gave him a blue silk gown, which he afterwards wore in the mornings, and his room was as usual near her majesty's. But though her majesty had so far demeaned herself I do not impute it to her as a crime. She played at games

with servants, which of itself might not be of much consequence; but under all the circumstances of the case must prove the fall of her character, resulting from her infatuated attachment to Bergami. In August, 1815, she visited Mount St. Gothard, Bergami still in her service: thence she proceeded to Vannes, where she retired to a bed-room with him, and remained shut up for a considerable length of time. After dinner they went to Madonna il Monte, where they slept, and next day they journeyed to the Borromeo Islands. Her majesty had the best apartments assigned for her use, but on this occasion she did not accept it, not affording her an opportunity of having her paramour as near her as usual. She took meaner apartments for the purpose of affording him an opportunity of being nearer to her. This conduct is not a little singular; what reason is there that Bergami should always sleep in the room near her majesty's. Such, however, was the fact, and I merely mention it to show his influence upon her. Her majesty next stopped at Balanzoni, where Bergami's conduct showed his influence—he having here, for the first time had a seat at her majesty's table, where he has uniformly since continued to be placed. What were his merits to entitle him to this honour I know not, and if I am told they were such as to produce his extraordinary rise, all that I can say is, it would have been much more creditable at once to elevate him to some dignity; but such was not the conduct of her majesty, and in the dress of a menial she publicly admits him to her table. It may be said these are foreign manners, but I cannot help thinking they are such manners as should never have been practised between so illustrious a personage as the Princess of Wales and one of her menial servants. In the middle ranks of society no one ever heard of a servant who waited having afterwards a chair at his master's table; and if indecorous amongst private individuals to do so, what must be thought of it in the Princess of Wales's establishment? How to account for it I know not, except in that criminal attachment which her majesty had uniformly shewn Bergami: on that occasion they also visited Lugano, where you will find decisive evidence of an adulterous intercourse as

well as in other places. On her return from this tour she established herself at d'Este near Como. Here their rooms were only divided by a small cabinet, their apartments, however, cut off from all communication with those of all the other servants in the house. Bergami and the princess usually retired at night and rose at the same hour in the morning. And here he was advanced to the dignity of her majesty's chamberlain, when he always dined at her majesty's table, together with his sister, the dame d'honneur. She remained at d'Este till November, 1815, and then embarked on board the *Leviathan* on the 15th of that month. The best apartments were allotted to her majesty. The cabins contiguous to each other were prepared for her majesty and her female attendants. The best arrangements were made for her accommodation that suggested themselves at the time; but immediately on her majesty coming on board, all that had been done was to be undone; the arrangement was altered, and the room next to her majesty's was appropriated to Bergami. Her majesty remained on board till 26th November, having visited Elba in her tour, and she arrived at Palermo on that day. She walked arm in arm on the deck with Bergami and made those alterations in the cabins which I have already stated.

At Palermo her majesty went to court accompanied by Bergami, in a magnificent hussar dress. From thence she went to Messina, where she remained till the 6th January, 1816. On her arrival there, the bed-rooms were arranged as in the other places I have mentioned; on this occasion, however, their rooms being separated by that in which the countess of Oldi, his sister slept. It was here observed that her majesty and Bergami retired earlier than the others to rest, and that she seldom required that female assistance which ladies of her rank usually demanded on such occasions. She called Bergami, "her dear," "her love," played with him familiarly, so that, in fact, no doubt remains, or could remain on your lordships' minds, but that an adulterous intercourse alone could justify the attentions, or account for the familiarities of her majesty.

On the 6th January, her majesty left Messina, and embarked in the frigate *Clorinde*, the vessel which had pre-

viously carried her majesty from Civita Vecchia to Genoa. At that time Bergami was her menial, but he was now her chamberlain. The honourable officer who commanded the ship felt it would be degrading him if he sat at the same table with one who had formerly served him, and he remonstrated on the subject with her majesty, whose conduct showed how deeply she felt the force of his objection. Had he obtained the dignity he then held by worthy means, would not the princess have answered this remonstrance by saying, he had associated with her majesty, and could not therefore disgrace captain Pechell by sitting at the same table. If this failed, would not her majesty have said, "You are offending me and the country that employs you; I shall make the proper report of your conduct, and not go on board your vessel." But was this the conduct of her majesty? If his advancement were a proof of his merits, and his merits alone, would not this, or something like it, have been the conduct of her majesty? No such thing, however, took place—she took a day or two to consider what she should do, and ultimately declined the table and society of captain Pechell for that of her paramour. She, indeed, observed that captain Briggs made no objection to Bergami; but there was this difference in the two cases, that the latter was totally unacquainted with the previous menial condition of Bergami. Her majesty, it would thus appear, consented to be insulted by an English captain, who, however, had done no more than what he conceived to be his duty.

From Messina her majesty went to Syracuse, where she remained till the 30th of that month, and then proceeded to Catania. At first Bergami's bedroom was at a distance from her's—but the same change here took place as on every other occasion where any interruption could take place in their secret communications. There the filles-de-chambres, sitting up one night later than usual at their revels, saw Bergami's door open, and the princess coming out in such a condition as could leave no doubt of her having passed the night in his room. She was undressed and had a pillow under her arm, on which she always slept. In common cases of divorce, such a fact, my lords, would be proof enough, but

when you couple with it her being undressed, I ask what must be the conclusion in your lordships' minds? That fact alone, if we can prove it, fully justifies the preamble of the bill. Another circumstance occurred at Catania, which will serve to confirm the charge of a previous adulterous intercourse. Her majesty had shown an extraordinary attachment to the infant child of Bergami, who slept in her room, and often in her bed, and was subsequently, I believe, dignified with the title of a princess. The child showed symptoms of gratitude for her majesty's attentions, and also exhibited her concern by crying when she missed the hand that foudled and protected her. The child was affectionate, and if her majesty were withdrawn it usually cried. The countess of Oldi in vain attempted to pacify her. These circumstances coupled with others, must satisfy your lordships and all reasonable minds that an adulterous intercourse subsisted between her majesty and Bergami while they continued at Catania.

Having advanced Bergami to so many honours, and now procured him a knighthood of Malta; he was designated his excellency, and afterwards she always addressed him as chevalier. What reason, my lords, can be assigned for all this? What but her guilty attachment, or the expectation of gratification from a degrading intercourse? While at Catania, she at first enjoyed the society of the first persons there; but after a short residence she became regardless of all other society than that of her paramour. She was rarely seen with the nobility; she became regardless of her person, and from Catania she proceeded to a place called Augusta, in that neighbourhood.

Anjourned at 4 o'clock.

MONDAY, August 21.

The Attorney-General said, he had now to resume the statement of facts at the part which he left off on Saturday. It would be in the recollection of their lordships that in that statement he had left her majesty at Catania, in the island of Sicily. He, however, begged leave, before he proceeded with the narrative, to supply an omission which he made on Saturday. On that day he had stated that Dr. Holland was in the suite of her majesty, but he had not mentioned at what time that

gentleman left her service. He now thought it necessary to apprise their lordships, lest they should suppose that Dr. Holland had continued with her majesty up to the last date of which he had spoken, that that gentleman left her at Venice, in the tour which her majesty made to that city in the month of April or May, 1815. She had previously taken into her service a Mr. Hownam and a Mr. Flynn, officers of the navy. He would now proceed with his statement in the order he had hitherto followed. He had, as already stated, left her majesty at Catania; from thence she went to Augusta, also in Sicily. This journey she made in the month of March, 1816. He had already informed their lordships, that during the residence of the queen in Catania, she procured for Bergami the title of a knight of Malta. Upon her arrival at Augusta, she obtained for him a new dignity—the title of Baron de la Francino. He was not aware what circumstances could entitle him to such an honour, or that any thing could have induced her majesty to procure this dignity for him, except the influence which he had obtained over her, in consequence of the familiarity and licentious intercourse which he had shown to have subsisted between them. He had now to state another fact, which would prove the power Bergami had obtained over his mistress—a power which, as he always said, was to be accounted for by not only the existence of a licentious familiarity, but an adulterous intercourse between them. Either at Augusta or Catania she sat for her picture, or for several pictures. In one instance she sat in the character of a Magdalen, in a dress in which her person was very much exposed. In another picture she was painted in the dress of a Turkish lady, and along with her was the child Victorine in a similar dress. Bergami was also painted in a Turkish dress. One, if not two, of these pictures was presented to Bergami. Now he must here again observe to their lordships, that to him it was impossible to account for such marks of favour, upon any other ground than that of influence obtained by the adulterous intercourse which, upon the facts he had described, he attributed to the parties. Her majesty having resolved to leave Augusta, set out on a voyage to Tunis, and afterwards visited Greece. For

this voyage she hired a vessel of that kind called a polacca; and here he had again to state, that arrangements were made on board this vessel, similar to those their lordships would recollect he had already described on other occasions, for having the sleeping apartments of Bergami and the queen near each other, and for obtaining facility of communication. Her majesty's cabin, as well as that of the countess of Oldi, communicated with the dining cabin, and on the other side were some apartments for the other female attendants. There were two doors leading into the cabin, one for the queen and the other for her female servants. For a few days Bergami slept at some distance from the queen's apartment. But very soon one of the doors, that which served for a communication to the servants into the eating room, was ordered to be closed up, leaving only one entrance to the dining room and the queen's bed room. A bed was ordered to be brought for Bergami's accommodation into the dining cabin, and this bed was so placed, that when the door of the queen's sleeping-room was open, she and Bergami could see each other while in bed, and hold conversation together. The only access to her majesty's bed-room was through the eating-room in which Bergami slept, and when the door of this room was shut, there was no means of access to the queen's. The door of the eating-cabin was constantly shut after they retired to rest, and through it, as he had stated, was the only communication to the queen's sleeping apartment. Now he would ask their lordships what conclusion could be drawn from this arrangement but that which the others he had stated, had suggested? What other reason except that of facilitating an adulterous intercourse could be assigned for her majesty having, either by land or sea, access to her sleeping-apartment open only to Bergami, and closed to all the rest of her suite? Her majesty proceeded, as he had stated, to Tunis, and from thence to Utica. In the house in which she slept there were only two bed-rooms; one was allotted to her majesty and Victorine, and another to the countess of Oldi and the other female attendants. The rest of the suite were accommodated at the houses of different consuls in the town. It would appear in evidence, that when her majesty stopped at this

place, Bergami came in the morning at a very early hour before her majesty was up, and entered her apartment. Without asking leave or giving the slightest notice, he passed into her bed-room, and there remained alone with her for a considerable time. Here he might be permitted to ask, why Bergami took this liberty? why he went to her majesty's apartment without being desired? Their lordships would say whether it was to be supposed she would thus admit him to her bed-room, if gross familiarity and licentious intercourse had not previously taken place. It was true, she had by this time procured for Bergami titles and dignities, but her having raised him from obscurity to distinction did not furnish any ground for thus admitting him to her bed-room. Their lordships might, perhaps, consider the details he had to state as fatiguing, from their sameness. But though many of the facts he had stated, and had still to relate, were unimportant in themselves, they were material as leading to the conclusion he had endeavoured to press on their lordships' minds—that the chain of circumstances could only be accounted for on the existence of an adulterous intercourse between Bergami and her majesty. He had now to call their lordships' attention to a fact which was calculated to remove every doubt from their minds, if any yet remained. Her majesty visited Savona. The house in which she slept there had only two rooms, and the outer room, which was assigned to Bergami, had no bed.

Here the Lord Chancellor asked at what date this took place.

The Attorney-General: They were at Savona on the 12th of April; they had been at Utica on the 8th.

A noble lord asked where Savona was situated.

The Attorney-General: The place was in Africa, near Tunis. It was called either Savona or Saveuha. He had it Savona. As he had stated, at this place, the outside-room, assigned to Bergami, had no bed; the inner room, which was occupied by her majesty, had one, and a very large one. There was no access to the bed in the inner-room except through Bergami's. It would be proved in evidence, that in the morning, after her majesty had slept here, her bed had the appearance of having been slept in by two persons.

Their lordships would recollect that he had stated that there was only one passage to her majesty's bed-room; that that passage led from Bergami's room, and that in his room there was no bed. In any ordinary case this would be sufficient proof to a jury that the crime of adultery had been committed that night; because, when their lordships found that there were no means of access to the queen's bed-room but through Bergami's apartment, and that her majesty's bed bore in the morning the marks of two persons having lain in it, they could come to no other conclusion but the natural one—that they had committed adultery. When, too, they found circumstances of this kind occurring night after night, from time to time, and in different places, there was no one could doubt that the evidence bore out the charge of a continued course of adultery. From the coast of Africa her majesty sailed to Athens, and touched at Malta in her way. They arrived at Athens on the 22nd of April, 1816, and afterwards visited the Greek islands, and stopped some time at Melito. Excursions were also made to Troy and Ephesus. He would state a fact which occurred at Athens, which would show how little of the respect due to her high rank was paid by Bergami to the princess. At Athens, the captain of an English ship which touched there landed, and called on her royal highness. He was introduced to her royal highness sitting in an alcove in a garden, in which were also the countess of Oldi and Bergami; the latter seated, and wearing a foraging cap. Her royal highness rose with the politeness which distinguished all persons of high rank, to receive the officer, and desired him to be seated. Bergami continued seated; and, after a short time, left the place without making the least obeisance, or paying those marks of respect which the officers of a court were always expected to pay; he left the room as if he were a person of equal rank to her royal highness. Why did he mention this fact? Because it showed that the familiarity which had taken place between them had been carried to such an extent that he considered his royal mistress to be reduced to a level with himself. This fact was nothing of itself, but it was one which, taken in connection with others, was very important, and would have weight with

a jury. It plainly showed the assumption of authority by Bergami, and how completely he thought himself relieved from the necessity of paying any mark of respect to her majesty. From Athens her royal highness proceeded by the way of Constantinople to Ephesus. Here another circumstance of a very remarkable nature occurred. Her majesty directed a bed to be placed under a vestibule, which fronted a church shaded by trees. Dinner was prepared, but the weather was hot, and her majesty had retired to the vestibule to repose herself. Bergami was seen coming from this vestibule in dishabille, when no other person was supposed to be there but her majesty. Dinner was afterwards ordered to be served in the vestibule for her majesty and Bergami. She sat on the small bed and he beside her. None of the attendants were admitted, to the vestibule, and she and Bergami remained alone together for a considerable time. Now, if her royal highness required any attendance within this vestibule, why were not the females of her suite employed for that purpose? Why was Bergami and Bergami alone, admitted to her bedroom? Soon after, her majesty proceeded to Aun, a place in Syria, where again Bergami was treated with the same extraordinary familiarity. A tent was erected for her royal highness, and a bed fitted up for her within it. While she was in bed in this tent, Bergami was seen sitting in his shirt sleeves, and almost undressed, on the side of the bed. From this tent he was afterwards seen coming in a state of undress. Now if her majesty required any attendance in this tent, why had she not called upon the countess Oldi, or some other female of her suite? How did it happen that Bergami should be the person required to attend her while she was in bed, and that he should wait upon her dressed in the unbecoming manner which had been described? This was certainly a circumstance of strong suspicion. But it perhaps might be said, that it required something more to prove adultery. He must observe, however, that he believed that in any ordinary case this would be enough to prove the commission of that crime before any court. But their lordships would besides recollect, that, strong as it was, this was not an isolated fact. It was one of a series of the same sort,

and he might venture to assert that such familiarity could not be supposed to exist between such persons without a guilty intercourse. No woman would allow such a liberty to be taken with her, unless by a man to whom she had granted the last favour. This might be said not only in the case of a princess and a man who had been her courier, but in the case of any man and woman of respectability in any rank of life. From Aun her majesty proceeded to Jerusalem. Here, not satisfied with the dignities she had already procured for her favourite—nor even with having made him her chamberlain, and procured for him the order of Malta and the title of Baron della Francia—she obtained for him the order of St. Sepulchre. Still, not content with this, she instituted an order of her own, which was called “the order of St. Caroline.” After conferring this order on several of her domestics, she made Bergami the Grand Master, (a laugh in the house.) This might excite a smile among their lordships; but it was a circumstance which marked very strongly the state of her majesty’s mind. Why did she single out this man to be Grand Master of the order she had created? It was impossible not to conclude that this distinction proceeded from that attachment which she had so strongly manifested to him, which had led to an adulterous intercourse that gave him a powerful influence over her. Why else should she have made a Grand Master of this man, formerly a courier—now a baron. There was no way of accounting for this but by referring it to that degrading and humiliating passion on the part of her majesty, the calamitous effects of which he had already described. It was that passion which had made Bergami Knight of Malta, Knight of St. Sepulchre, Grand Master of the Order of St. Caroline, and the baron della Francia. He had, however, now a fact to state, which, if any doubt still remained with their lordships, would completely banish it. He therefore requested their lordship’s particular attention to the statement he was about to make. Her majesty embarked at Jaffa, for Italy, on board a polacca; finding it inconvenient to remain in the cabin during the night, she directed a tent to be erected on the deck of the vessel, in order to sleep in it. In this tent a sofa or bed was placed for her

majesty, and also a sofa for Bergami. This preparation was made for their sleeping under the same roof, and without any partition or division between them. In this way they continued to sleep every night without intermission, until their arrival in Italy. In the daytime the canvas of the tent was drawn up to admit the air; but at night, when they retired into the tent, it was let down, so as to exclude the observation of the crew and her majesty's suite. This not only took place night after night, but frequently in the course of the day. After dinner her majesty and this man retired into the tent, and then the canvas was let down, as before described, to exclude observation. This familiarity continued during the voyage from Jaffa to Italy, where they arrived in the month of September, and landed at Terracina. What he had stated he considered not merely presumptive, but positive evidence. Was it ever before heard of, that a lady of rank maintained this familiarity with her chamberlain? Their lordships would see that this intercourse had been maintained for a very considerable time, and it was evident that it could be carried on for no other purpose than that of committing adultery. When their lordships were, in addition to all he had stated, told that she had often been seen during the day sitting on Bergami's knee, and embracing him; after this nobody could doubt for what purpose the tent was fitted up on the deck. At this time her majesty seemed to cast off all the restraints of female delicacy. It would be proved that at one period during the voyage she had a bath prepared for her on board the vessel, and into this bath she went, no person being present, or in attendance on her, except Bergami. After that fact could any man have a doubt on his mind of the criminal nature of the intercourse existing between them? Though it might be supposed that there might be so much virtue infixed in the mind of an individual, that two persons of different sexes could sleep in the same apartment without any criminality having occurred; yet, seeing that such a series of constant familiarity and unbecoming intimacy had been indulged in with this man before, what but the absolute banishment, the total oblivion, of all remains of virtue and modesty, could have prevailed on a woman to

admit a man and a servant at such a moment? From this fact every man must be satisfied that the last intimacy must have taken place between two persons of different sexes before any female would allow a man to attend on her in such a situation. Nothing but the existence of the adulterous intercourse to which he had alluded could account for such a circumstance. On board of this vessel, on the 24th of August, which was St. Bartholomew's day, great festivities took place. Their lordships were aware that Bergami's name was Bartolomo. At this entertainment the health of her majesty and the health of Bergami, the courier, were drank together on that occasion. What inference was to be drawn from this circumstance? None, but that those favors, distinctions, and honours were conferred upon the domestic Bergami, in consequence of a criminal, licentious, and disgusting, intercourse. While he was on this fact he should beg to state a circumstance omitted in the former part of his statement, which was that the same transaction had occurred, the same festivities had been indulged in, on the same day, the preceding year, in the villa d'Este. There also a grand festival was held in honour of the birth-day of the courier Bergami. Now he apprehended the single fact he had described on board the palacca, would in itself be sufficient evidence of the fact which it was the object of the evidence to establish. He would not fatigue their lordships' attention by entering into a minute detail of the various degrees of unbecoming familiarity with her majesty, and as he might express it, the indecent exhibitions to which her majesty had reduced herself on board that ship; he would rather leave their lordships to form their own general impressions from the evidence; but he could not forbear mentioning, that it would be proved before them that she had, throughout the voyage, occupied herself in the most menial offices for this servant that a woman could do for man; that she had even at times engaged herself in mending his clothes.—On arriving in Italy, in September, the princess proceeded to the villa d'Este, on the lake of Como, which she had occupied before, and on reaching that place, Bergami's brother was elevated to the situation of prefect of the palacca. His mother—who was familiarly

termed the *grandmother*, not only by her majesty's suite, but by her majesty herself—was now ordered to be called Madame Livia, and the mother and brother had separate tables provided for them from the rest of the servants.

After what he had stated to their lordships he should not trespass on their attention by mentioning various other circumstances that occurred at that place to support the charge. He might, however, mention, that, during her majesty's absence from d'Este, a theatre had been fitted up in that villa. On her return thither she often performed on the stage—she in one character and Bergami in another. The characters she performed were of a very low kind. Bergami generally performed the character of the lover. He only stated this as another proof of the great degree of familiarity which subsisted between them.

Soon after her return to d'Este she made a tour to Lugauo, and some other places. In the course of this tour a remarkable circumstance occurred:—One morning a courier was despatched with a letter to a person at Milan, and returned with an answer late that night, or rather early next morning, while all the princess's household were at rest. The courier, feeling it to be his duty to deliver the letter immediately to Bergami, whose office it was to receive it, went to that person's chamber. He was not there; but in a short time he saw him coming in his shirt, and robe-de-chambre, out of the princess's chamber to his own. Here he would ask how it had happened that at that hour, when all the other members of the family were at rest, this man should be seen coming in that undress from his mistress's room? Observing that the circumstance was noticed by the courier, and being desirous of making some excuse, he told him that he had heard his child cry, and had gone to quiet her, and the next morning he desired the courier to say nothing about it. But the fact forcibly struck the man, and the inference from it was plain. Bergami having come out of the princess's room at that unseasonable hour, their chambers also being separated from those of the rest of the family, how was the occurrence to be accounted for, except by the supposition that a criminal intercourse existed between them? This fact alone would

be sufficient to convict a woman in an ordinary case. No reason could be assigned for Bergami's conduct on the occasion, but that which he had been so often obliged to state to their lordships.

After a short time the princess visited a place which had since been purchased at her expense for Bergami, and to this he particularly wished to direct their lordship's attention. It was called the Villa Bergami, or Barona. Not content with having previously lavished on him titles and honour, she finally thought proper to expend several thousand pounds from her own funds in the purchase of this estate for him near Milan. People do not in general act without reason or motive, and there was no assignable reason or motive, for the princess's conduct but one only. Her royal highness resided for some time at that place, and, during a carnival which was held there, he was instructed to say that the most scandalous and disgraceful scenes occurred, and it would appear that the house in which the princess of Wales resided deserved rather the name of a common brothel than of a palace. It was frequented by persons not corresponding to her station and rank, who properly maintained their dignity, and would feel themselves honoured by her patronage, but by persons of the lowest class. These were circumstances which he should not have brought under their lordships' notice, if they had not occurred, as he must presume, by the queen's permission. Undoubtedly, it might be said, that if they took place, in the kitchen, the offices, or in the lower part of her majesty's house, they ought not to be taken notice of in the slightest degree, as in that case it could by no means be presumed that she was necessarily aware of them. But, unfortunately, their lordships would observe that they did pass under her majesty's notice; and, so far from expressing any degree of dislike or disapprobation, she did know of them, and seemed to approve of them. Here, again, it might be said, that although they proved a very unbecoming sort of improper and indecent conduct, they ought not to be taken to prove the existence of an adulterous intercourse. But when they were taken in conjunction with the other facts which he had mentioned,

they certainly went to shew, that such an adulterous intercourse did exist between her majesty and Bergami, and that the continuance of that intercourse so operated upon her majesty's mind as to render her entirely regardless of that decorum which she ought to have maintained. Their lordships must see that though these facts in themselves were entirely different from the direct charge against her majesty, they afforded but too strong a corroboration of it. After her majesty's return to the Barona, she made a journey through the Tyrol into Germany. A remarkable circumstance took place almost at the commencement of that journey, which would prove to their lordships beyond doubt, that such an intercourse did exist. On her arrival at a place called Charnitz, it was necessary that Bergami should return to Inspruck, in order to obtain a passport for the continuance of her majesty's journey. It appeared that Bergami was necessarily absent upon his departure from Charnitz to Inspruck, and, till his return, during those hours at which her majesty and her household were accustomed to retire to rest, upon this occasion her majesty had one of her *fille-de-chambres* to sleep in her room during the night. Bergami returned from Inspruck in the middle of the night, and what was the conduct then pursued by her majesty? What, he should ask their lordships, would have been the conduct of a person under ordinary circumstances who had gone upon such a mission? Their lordships would naturally suppose that Bergami, returning at the dead hour of night retired to rest? but no—he came into that room (her majesty's female attendant being at that time there asleep.) Upon his so coming in, her majesty ordered her female attendant to retire, taking her bed along with her. In the middle of the night her majesty gave these instructions to her female servant, and Bergami was left alone with her. Now what was the reason for all this?

He asked their lordships whether that fact alone, in ordinary cases, would not be held a conclusive proof of adultery? And he would ask them also, with great submission, whether, if it should be so considered in an ordinary case, it did not amount to a still stronger proof here—whether it

did not amount to a still stronger evidence of an adulterous intercourse, as applied to the case of two persons whose rank in life was so different?—What other inference could their lordships draw from the circumstance of her majesty's ordering the attendant to retire, but that she might be so left alone with Bergami for the remainder of the night? Independent of any other facts, supposing there were nothing else in this case before them, this alone must satisfy their lordships that an adulterous intercourse did then take place between the parties. But this was not all; in the course of this journey her majesty proceeded to Munich, and afterwards to Carlsruhe, where she remained nine days. At Carlsruhe, a similar arrangement took place about the bedrooms to that which he had so often had occasion to call their lordships' attention to. The bed-room distinguished by the number 10 was appropriated to the use of her majesty; No. 11 was an entry or passage-room between No. 10 and No. 12. No. 12 was appropriated to the count Bergami. A door opened from No. 10, and another from No. 12, into No. 11, so that any one might pass without difficulty from the chamber occupied by her majesty into the room in which Bergami slept, or from Bergami's apartment into her majesty's. He had now to notice one very important circumstance. At Carlsruhe her majesty was one day found in Bergami's room; she was sitting upon his bed, and he was in bed with his arms around the neck of her majesty. She was surprised in this extraordinary situation by one of the *femmes-de-chambre*, who was going into the room by chance. Now, would a circumstance of this sort take place, he would ask, unless that kind of intercourse existed between the parties to which he was so often reluctantly obliged to call their lordships' attention? In that bed was found a cloak which her majesty was afterwards seen wearing; and in that bed, also, certain marks were observed by one of the servants. These marks, without his saying any thing further at present, would lead their lordships, perhaps, to infer that which he wished them to understand. Those marks on that bed—the cloak which was found there—and the manner in which Bergami was seen with his arms around her majesty's neck—these were cir-

circumstances their lordships could not lose sight of. After hearing these, could there be any doubt about the existence of an adulterous intercourse between her majesty and Bergami. These facts alone, he thought, would be conclusive evidence with their lordships of an adulterous intercourse having taken place between them: and then, he had also to remark, that all the other facts of this case would go to show their lordships that that intercourse had so taken place, not now and then merely, but that it was a long-continued one. When these should have been stated, they would sufficiently explain all the other circumstances which he had had to mention; the advancement of Bergami to the honours which were conferred on him; the circumstances that occurred at Carlsrue; those which took place at Charnitz, and the others which were observed on board the *polacca*, would all demonstrate conclusively, if they should be proved (as he believed they would be proved in evidence), not only that the conduct stated in the preamble of the bill had subsisted, but that the adulterous intercourse had taken place between these two persons. From Carlsrue her majesty set out in the early part of 1817.

(A peer, we believe lord Ellenborough, here begged the Attorney-General to particularize the dates of every fact he stated, as nearly as possible.)

The Attorney-General resumed.—Her majesty set out for the Tyrol, in February, 1817; her arrival at Carlsrue, consequently, would occur somewhere about the latter end of February, or the beginning of March, 1817. Her majesty visited Vienna, where she remained only for a very short time; and then she went to Trieste. Upon that journey to Trieste, a two-wheeled carriage was purchased by Bergami, in which the queen and himself travelled together. Before this her majesty had been accustomed to travel in a carriage, in which were herself, Bergami, the countess of Oldi, and the little Piccaroon (her majesty's protégée). On her journey, however, a carriage was used calculated to contain only two persons; and in which Bergami and her majesty usually travelled together alone. At Trieste she remained but a few days; but here again observations were made by persons at Trieste upon the state of her

majesty's bed and bed-room. Here again, as in all the other cases he had adverted to, an arrangement was made about the situation of the bed-room, in order for Bergami to be very near her majesty. There was a travelling bed and a bed large enough to contain two persons. From the arrangement he spoke of, Bergami's room was very near her majesty's, and these observations were made upon the state of those two beds. It would appear to their lordships in evidence, that there was found the painful appearance of two persons having slept in the large bed which was in her majesty's bed-room; at the same time that in the smaller bed neither Bergami nor any other person appeared to have slept. At this time also there were washing-basins left in her majesty's room, which appeared to have been used in that room, and by two persons. But the strong fact, as he had before had occasion to observe, was—not only were the rooms of her majesty and Bergami near each other, separate and apart from the rest of the suite, but there were those appearances of two persons having slept in the large bed in her majesty's apartment, and Bergami was the only person, who, from the arrangement of the rooms, could have access to that one, in order to sleep with her. No other person but he could have that access. Under these circumstances, their lordships could feel little doubt or hesitation but that the two persons who slept in her majesty's room upon this occasion were herself and Bergami; and that not only from the state and situation of the room but from the state of the beds. He now came to another circumstance of a most extraordinary character. In the course of this journey her majesty and Bergami frequently, when they had occasion to stop, while the horses were refreshed or put to, and upon any other occasion where it was necessary for them to stop for a short space of time, would repose upon the same bed. They would frequently, it was observed, when some delays of this sort took place, go and sit there together. Now he was aware, it might be said, that no conclusion of a criminal nature could be drawn from the circumstance of Bergami and her majesty's being observed to repose upon the same bed. From that circumstance alone, unaided by others, their lordships could

not deem it proved that an adulterous intercourse took place between the parties at Milan. But when their lordships observed all these additional circumstances, and particularly the facility, which was extended to no other person, of entering her room, and their familiarity—all these things naturally led to a strong suspicion of such an intercourse between them. Their lordships must be satisfied that the inference to be drawn, from these, and from other circumstances arising out of her majesty's conduct, was that such a one existed between them. It might be supposed, that the Princess of Wales, as she was at that time, wishing, on such occasions, to repose, used to be attended by some other of her household; by the countess of Oldi, for instance, or some other female attendant. But how was it that Bergami alone, on the contrary, could venture to use those familiarities with her majesty? How was it that Bergami alone retired with her, but because there did take place this sort of intercourse between them? Upon her majesty's return from Milan, where she had been for some time, to the Barona, it would be proved to their lordships that Bergami, his mother, and his brother (Ludovico Bergami,) who had formerly exercised some of the most menial offices in the palace, were permitted to dine with her majesty; they were allowed to sit and to eat at her majesty's table. Even to this fact, he was aware, it might be said that it was only indicative of great condescension on the part of her majesty; and that, though such conduct was inconsistent with propriety, and with her rank and dignity as queen, it proved nothing of itself, beyond a desire to show her estimation of the family, and to pay attention to Bergami's mother, and his brother Lewis. But it was not a little singular that these persons were the family of the man on whom her majesty had been bestowing these attentions, and who were daily growing round her. As for the mother of Bergami, he (the Attorney-General) could not find that she had filled any particular situation in her majesty's household. She was not made lady of honour. The little Piccaroon was dignified by the title of "Princess," and taken great notice of. He did not mention these circumstances as going to prove any thing which was particularly applicable to Ber-

gami. The boy Austin was called a prince, as well as the other protegee. After her majesty returned to the Barona she visited the Villa d'Este. Thence she returned to Rome, to a palace called Rucanelli. Soon afterwards she purchased a villa, called the Villa Branti. During her residence at Rucanelli her majesty was seen to go into Bergami's bed-room: but at Villa Branti their lordships would find more important circumstances to have occurred, as affecting this case. At the Villa Branti, as at all the other places where her majesty resided, it was arranged that Bergami's apartment should be very near that of her majesty; and there was a communication through a corridor from Bergami's bed-room into her majesty's. Bergami was observed, by one of the servants, two or three times, and at a very early hour of the morning, going from his own bed-room into that of the Princess of Wales, and there remaining with her majesty.

(A peer asked when this occurred.)

The Attorney-General replied, that it happened some time in the month of July, 1817. Their lordships would have it proved to them, that upon two or three occasions it was observed, that, either at night, or at an unseasonably early hour of the morning, when the rest of the family were retired to rest, Bergami was seen coming from his sleeping apartment and going into that of her majesty, and there remaining. He would ask their lordships what this fact proved? Could they doubt that a man, going in that way, at an early hour of the morning, when her majesty was in bed, going to her room, and remaining there with her majesty, could they doubt that he was guilty. Would their lordships require any further evidence of adulterous intercourse between these parties? Could it be at all doubted in an ordinary case? Could it be doubted whether such an intercourse took place, if a man under these circumstances, at the dead hour of night, or at an early hour of the morning, was seen to go, undressed, into the room wherein her majesty was reposing, was there suffered to be alone with her, to remain with her, and was not seen to come out, even from that room? Could any doubt remain upon their lordships' minds, that, during that period, adulterous intercourse took place between these parties? Surely

not, as he imagined—more especially when their lordships found, as they would find, that this was not a solitary instance of this impropriety; for the thing occurred two or three times at the Villa Branti. At the Villa Branti, as on other occasions, Bergami was admitted into her majesty's presence when she was dressing, and at her toilet; when her majesty, in short, was in that state of *dishabille* which made such admission very highly improper. He was admitted at all times, and suffered to be present when her attendants were attiring her. In addition to this, their lordships would find, as he had said before, the fact of Bergami's entering her majesty's room at night, in the manner already described, observed, several times during her residence at Branti. From Branti her majesty removed, in the month of August, to her villa near Pesaro, where she afterwards almost entirely resided. At Pesaro the princess chose rooms for herself and Bergami, separate and apart from the rest of her suite; and at Pesaro, the same facilities of intercourse were continued which had been attended to at almost every place which her majesty had visited, and everywhere she had taken up her residence. So attached did her majesty always appear to the person and society of Bergami, that his absence seemed to occasion her considerable pain. The greatest interest and anxiety for his return were constantly expressed by her majesty, and she appeared to be highly gratified when that occurred. She was accustomed to watch for his return: and upon one occasion actually set out to meet him. Upon his at length returning, she was observed to express the greatest joy, and all that fondness and attachment which might be supposed to exist for each other in two persons between whom such an intercourse existed.

[Some lords here asked, what was the date of the transactions said to have taken place at Pesaro?]

The Attorney-General said, the month of August, 1817.

The Lord-Chancellor thought it might be convenient for Mr. Attorney-General to give the dates of these facts as he went on.

The Attorney-General briefly recapitulated the dates of those to which he had adverted in the course of his speech. Her majesty arrived at Trieste in April, 1817, about the 28th of June,

at the Villa Branti, within a few days of her arrival at Milan. She was at the Barona in April, 1817. In February of that year, she set out upon her tour into Germany, through the Tyrol, whence she returned to the Barona in April; from hence she went to Rome, where she purchased Rucanelli and Villa Branti, in June and July; and then she went to Pesaro on the 9th of August of that year. From the period of her majesty's departure for this country, excepting only the short time she was in France, she continued to reside at Pesaro. He had abstained as much as possible, in the course of his narrative from entering upon parts of the evidence applying to other places. After her majesty took up her residence at Pesaro, she generally remained there, with only one or two exceptions.

Lord Dundas asked at what period the acts alleged as occurring at Pesaro took place?

The Attorney-General believed, soon after her Majesty's going to Pesaro, in August, 1817. He had, he said, abstained, in this case, from going through a variety of particular detail, of what would be disclosed in evidence respecting her Majesty's residence at Villa d'Este, where she resided for a considerable time, on the banks of the Lago di Como. It would be proved in evidence that she was there in the habit of going out with Bergami in a sort of carriage large enough for only one person to sit down, and another to sit upon his lap. In this carriage she was in the habit of going out with Bergami, she sitting upon his lap, and he with his arms round her, which it was absolutely necessary that he should have, in order to enable him to guide the horse. It would be proved that they were seen together in a canoe upon the lake; and, on one occasion, they were seen bathing together, in the river Brescia.

During her residence at Como they were observed together in very indecent situations; and a variety of familiarities of that sort would be proved, during her residence at Como, by a variety of witnesses, and upon various occasions, which their lordships would think, at present, it became him to abstain from more particularly noticing. He only adverted to them to prove the facilities of intercourse which existed. On her return from the east, she

brought in her train a man, who, from the accounts given of him by the witnesses, appeared to have been a man of brutal and depraved manners to the last degree; his name was Mahomet, who, at the Villa d'Este, at various times, exhibited the most atrocious indecencies in the presence of her majesty, Bergami being present with her majesty during the time of those exhibitions. They were of so indecent and detestable a character, that it was with the greatest pain he could even mention them. Here it might be said, that these circumstances did not prove adultery; but if it were proved, the preamble of the bill, he should contend, was made out. It would excite in their lordships a feeling that it proved more—not merely indecency, and disgusting indecency, but a want of all moral feeling. He said that the woman who could demean and degrade herself to be present at such an exhibition, and no man could doubt it, that such a woman was capable, not only of sacrificing her virtue, but that in the most undisguised and disgusting manner. These facts went to prove, not only that part of the preamble which charged disgusting and improper familiarity, but suggested proof also of the adulterous intercourse. Could their lordships have any doubt, where a woman was capable of acting thus, that when Bergami and she were in her room alone, and had all the necessary facilities, that took place which was charged against her, viz. adulterous intercourse with Bergami. There was another circumstance,—no ways, however, remarkable, in her majesty's case, because it was always the accompaniment or the forerunner of such a vicious state. Let them mark the ascendancy which this man had obtained over the mind of her majesty. This circumstance, however, occurred. Their lordships would find, that, upon her majesty's first going to Italy, she did that, constantly, which comported with her dignity as an English princess; and, let him add as a protestant princess. She either had divine service regularly performed at home, or attended places where it was performed after the rites of the church of England. This regulation continued until a short time after she returned to Genoa, where Bergami first entered into her service; but from that time down to her departure for England it was continued, and she was seen to

accompany Bergami to a place of Catholic worship which he himself frequented, to join in the prayers of the service, and to kneel down by his side. Such was her abandonment of those religious feelings and rites which ought to be observed by all persons under all circumstances. She demeaned herself to accompany this man, which was an act degrading and disgusting in itself; but he could not help thinking it a strong corroboration and confirmation of all the other facts which he had detailed: and it must satisfy their lordships that this disgraceful and illicit intercourse did take place between Bergami and her majesty, as it had been stated to them. Let their lordships look at the general nature of the case, and, besides this, let them look at some of those strong facts which more especially confirmed the charge. This Bergami was a man in the greatest poverty. In October, 1814, he was received into her majesty's service, and in the short course of five or six months, he was not only in habits of the greatest familiarity with her, but his whole family surrounded her. Their lordships would allow him to call their attention to the state of her majesty's establishment, while settled at Pesaro. There was Bergami himself, the grand chamberlain; his mother, who did not appear to have held any particular situation in her household; his brother Lewis, who, from the humble station of a courier, had been promoted to be her equerry; the countess of Oldi, the sister, who was only maid of honour; Francis Bergami, their cousin, was dignified with the title of Director of the Palace; Faustina, the sister; Martin, a page; Frances, a relation; and the house-steward, besides the Piccaroon. So that their lordships would see that there were ten, as he might say, of this family, retained in her service. And, to account for the striking fact of their being advanced in this way in favours and honours, what was to be said? How was it to be accounted for? It might well be said, indeed, in answer to that question, "Don't from these facts alone infer guilt; don't from these infer adulterous intercourse." Why, no, he would not; if he did infer it from these alone, he should be betraying that duty which they had imposed upon him, and which he was pledged to perform. But when, in addition to these circum-

stances, their lordships found that all these disgraceful familiarities continued between them—and he alluded more particularly to the scene in the tent on board of the polacca—when they looked at what occurred at Charnitz, at Carlsruhe, and other places—surely these facts of themselves would be sufficient; but when coupled with others, if they should be satisfactorily proved, they could not leave the slightest doubt of the disgraceful conduct charged in the preamble, and of the shameful and wicked intercourse which took place between count Bergami and her majesty. But their lordships had heard it said at their bar, and said with a sort of triumph by his learned friends—“What witnesses have you? How is all this to be proved? Will you attempt to prove it? Have you any competent witnesses?” And their lordships had heard a great deal of undeserved censure heaped on foreign witnesses. They had heard his learned friends say, on the other hand, when speaking of their client, “Oh! we expect persons of high rank, and character, and consequence, in the country where the circumstances are stated to have taken place.” Now, let their lordships look at the case. It did not admit of such witnesses; it was when her majesty was in retirement, and surrounded only by her servants, that those facts took place. Could there be any witnesses of facts like these, but those whose vocations and humble employments gave them opportunities of seeing the conduct of the parties from time to time, and of examining the beds and bed-rooms? In cases of criminal conversation, they never had—at least, it was very frequently quite impossible and impracticable to have—any other evidence but that of servants, or others whose duties called them to different parts of the house.

But it was said, and with something like an air of exultation. “Aye, but these are foreign witnesses.” Foreign witnesses! Let them look at her majesty's conduct: why was it that her majesty was abandoned by all her other suite, by all her English servants? why? but that, after her arrival from Milan, she seemed anxious to forget that she was, or should be, an English woman. Could the complain of those foreign witnesses when she had shown by her conduct, what she thought of

Italian servants—what she thought of this man, her favored Bergami? Should it be said, don't hear foreign witnesses, there is the strongest objection to them! they are not to be believed. But he would ask them what did this hold out to the public? Was it not to say, “Go abroad, commit what crime you please, carry on what conduct you please; however flagitious, you never can be convicted in an English court of justice.” And why? Because the fact can only be proved by foreign witnesses, and they, we tell you before we hear them, are branded with infamy. They are marked for discredit; therefore “go abroad, abandon yourself to the most dissolute profligacy you please; it can never be proved in a court of this country, for foreign witnesses are unworthy of belief.” Would their lordships listen to such argument as this? Let them pride themselves on the superiority of the English character, but let them not by a sweeping condemnation declare that all foreigners were unworthy of credit. It was her majesty who had herself to thank, if the facts could only be proved by Italian witnesses. She had taken into her household Italian servants, and surely would not treat with such disgrace the person highest in her confidence. If their lordships' condemnation, however, extended to Italians, it could hardly be applied to foreigners of all countries and descriptions. He was satisfied, notwithstanding the adroit manner in which the case had been put by his learned friends, who presumed that these witnesses would exercise their faculty of locomotion, and take the air at their ease, the observation would make no impression on their lordships' minds. Would to God those witnesses could do so; but he would recall to their lordships' remembrance circumstances which had happened, and ask whether the witnesses could feel that security which they ought to enjoy. It was disgraceful to the country that such circumstances had taken place; but he trusted that the public mind would soon resume its former calmness, and the popular clamour subside. Upon the circumstances of the case, it was hardly necessary for him to add, their lordships were to decide under a sacred obligation. It had been said that the witnesses being foreigners, were the less worthy of belief, and that their testimony ought to be received

with suspicion and distrust; but the conduct of her majesty, and the nature of the case, made such evidence indispensable. Their lordships would decide upon its value, and, he doubted not, calmly and firmly pronounce their judgment. He should now proceed to call his witnesses.

A considerable pause now ensued.

Lord Erskine observed, that it might be expedient to come immediately to an understanding, with regard to the situation of the witnesses, after they should have delivered their testimony. It might be material to the ends of justice that they should be placed in a station of security, and be forthcoming, if, on a subsequent occasion, their presence should be found necessary.

The Lord Chancellor said, that in accordance with the usual course of their proceedings, the witnesses might be questioned before their departure from the house as to where they were about to go. He agreed that they ought to be kept within call, and remain in attendance till the end of the cause; and therefore now moved, that the witnesses do attend from day to day till further orders.

This motion was immediately carried without opposition.

Lord King expressed a wish that the house should distinctly understand in what situation the witnesses would be placed, and that it should be known whether, on their coming to that bar, they would be liable upon the evidence which they gave to an indictment for perjury. Their lordships were now proceeding in a legislative capacity, but the king's Attorney-General was employed to conduct the case brought under their consideration. This, it appeared, was done upon an order of the house itself. Undoubtedly their lordships might commit a witness for falsehood and prevarication, for the term of their own sitting; but as it was not improbable that they might have to revise parts of this proceeding, it was desirable to learn whether the witnesses should be in the same predicament as in a court of record.

The Lord Chancellor said, that if the noble lord's question were put to his experience, he could make no answer; but on general principles he would state his opinion, that the witnesses might be prosecuted at law for perjury.

Lord King observed, that his doubt arose from the circumstance of their now sitting, not in their judicial, but in a legislative capacity.

The Earl of Liverpool remarked that in his apprehension what might be done in the case of an impeachment might also be done upon this occasion.

Lord King was of opinion that this was a question of law, not of parliamentary privilege; but it might yet be doubted whether a prosecution could be commenced without the special order of the house.

The Earl of Liverpool thought the question would be, whether the house would interfere to stop a prosecution?

Earl Grey said a few words, upon which the conversation dropped.

Her majesty at this moment entered the house, attended as usual by lady Ann Hamilton, and took her seat in a chair placed within the bar, about the distance of three yards from it, and which, though not directly opposite to, enabled her to confront the witnesses.

THEODORE MAJOCHI.

The Solicitor-General then called Theodore Majochi, who, in a very few moments was ushered in, and placed before the bar. He is a man of middle stature, decent appearance, and was handsomely attired.

Her majesty, having fixed her eyes on him, exclaimed in a piercing tone, "Theodore! oh, no, no;" and was immediately conducted to a private apartment.

The Solicitor-General applied to their lordships to allow the Marchese Nicolas Spinetto to be sworn as an interpreter, the witness being an Italian, and utterly ignorant of the English language.

The interpreter was then sworn.

Mr. Brougham asked, whether he appeared by an order of the house, or at the instance of the party promoting the present bill. He wished to ascertain this point, because upon the answer which he received would depend his right to introduce an interpreter on the part of her majesty.

The Lord Chancellor thought there could be no objection to enquiring of the interpreter himself by whom he had been engaged to offer himself to the house in that capacity.

Mr. Brougham then addressed the Marchese Spinetto and asked in whose

Theodore Majocchi.



Barbara Krantz.

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employment? He appeared there as interpreter? I received my instructions from Mr. Planta and Mr. Maule.

Mr. Brougham. Do you mean Mr. Planta of the Foreign-office, and Mr. Maule, solicitor to the Treasury? I do.

Mr. Brougham. That, then, is quite a sufficient reason for my desiring to have a second interpreter sworn. Though it may not, strictly speaking, be necessary at this moment, it may be more convenient to swear him immediately.

Beneditto Cohen then took the usual oath to interpret faithfully all the evidence which the witnesses might deliver.

Mr. Brougham said he understood that the witness at the bar did not object to the form of being sworn, but he submitted to their lordships that it might be proper to enquire whether he had undergone those preparations which were necessary in his own country before his evidence could be received in a court of justice.

The Lord Chancellor entertained no doubt, that, if the witness was sworn according to the forms of this country, and was himself satisfied with that mode of attestation, his evidence was upon every legal principle admissible.

Theodore Majochi was then sworn, and, in answer to a question suggested by her majesty's counsel, emphatically stated that he considered himself to be brought there to speak the truth, and nothing except the truth.

The Solicitor-General proceeded to examine him after the following manner:—

Q. Of what country are you a native? I was born at Stolingro.

Is that in Italy? It is twelve miles from Lodi.

Do you know Bartholomew Bergami? Yes.

When did you first become acquainted with him? In the service of general Pino.

At what time did you first know him? It was in the year 1813 or the year 1814. I knew him by being in the same service.

(By Mr. Brougham.) Do you understand English? No, not at all.

What situation was Bergami when in the service of general Pino? He was there as a servant, a valet-de-chambre.

What situation did you yourself hold at that period? I was the postilion, or rider.

Do you know what was the condition of Bergami at that time in point of finances? He was rather poor than rich.

What wages did he receive? Three livres of Milan a day.

Do you know whether he was possessed of any property besides the wages that he received? No.

What do you mean by no? Do you mean that you do not know, or that he was not possessed of any separate property? I do not know more than that he received three livres a day.

Did you leave the service of general Pino before Bergami quitted it? I did. Into what service did you enter? I went to Vienna, and was in the service of the Duke of Roccomania as his postilion.

Did you afterwards enter any service at Naples? Yes, into that of general Joachim Murat.

Was Murat at that time king of Naples? He was.

Did you there see Bartholomew Bergami? Yes, I did.

When did you see him there for the first time? In June, I believe.

Mr. Brougham said he had objections to urge to this course of examination. He apprehended also that it was competent to him to state his objection to a question before the answer was received.

The Earl of Liverpool observed, that the house would be better enabled to judge of the force of any objection to a question after hearing the answer to it.

The Lord Chancellor found himself compelled to admit that the objection should be heard in the first instance, as the answer might otherwise make an impression, which, if the question were over-ruled, it might be difficult to remove.

The Solicitor-General resumed his examination.—At what time did you meet with Bergami at Naples? About Christmas, 1814.

In whose house? In the house of her royal highness the Princess of Wales.

In what situation was he at that time? He was courier, and, it was reported, equerry.

Can you tell us the precise time? At the beginning of the year 1815.

Do you recollect how long it was after you had been at Naples that you met Bergami? I remember that he told me he would make me a present.

Did you afterwards enter the service of the Princess? I did.

How long after you had met with Bergami? About a fortnight afterwards.

What was then the situation of Bergami? He was a lacquey, and wore a livery.

At what table did he dine? There were two tables, and he dined at the table of the upper servants.

By Lord Harrowby.—Who were the other persons who dined at that table? There were, besides Bergami, Monsieur Sicard, the maitre d'hotel, M. Jeronimus, and the waiting-maid of the princess's dame d'honneur, whose name, as she was an Englishwoman, I forget.

Did any other person divide the duty about the person of the princess? Yes, M. Jeronimus, sometimes.

Was that by turns? The upper servants performed the duty by turns.

Did any one ever attend out of his turn? Jeronimus often carried in the tray for the morning's dejeuner.

Do you know what was the situation of the sleeping rooms of the princess and Bergami at that time? Yes, I recollect it well.

Describe it.—The rooms of the princess and of Bergami led to each other by a corridor, in which there was a small cabinet. Bergami's bedroom was situated to the left.

Are we to understand that there was no space between the two rooms except what was taken up by the corridor and the cabinet that you mention? There was nothing else; and it was necessary to pass through the corridor to go from one room to the other.

What was there on the other side of Bergami's bed-room? A saloon.

Who usually slept in the cabinet? Nobody; it was free.

Did the rest of the family sleep in that part of the house, or at a distance? Their rooms were separated.

Do you recollect any accident happening to Bergami? Yes.

What was it, and where did it happen? It was a kick from a horse.

When did it happen? When they went to the lake Aniano.

In consequence of it, was he put to bed? Yes.

Did you see the princess in his room during his sickness? Yes, I saw her royal highness there on one occasion, with Jeronimus and Dr. Holland, who was dressing Bergami's foot.

Did you carry any broth to him?—Yes.

Did you see the princess on that occasion? No, I do not remember.

Were any direction given to you as to where you were to sleep after this accident? Yes, I remember.

Where was it? On the sofa in the cabinet, and near the fire-place.

Was that the cabinet of which you have been speaking? It was.

How long did you continue to sleep there? Five or six nights.

Did you see any body pass during any of those nights through the corridor? Yes, I did.

Was a fire kept there at the time? Yes, there was a fire always.

Who was it whom you saw pass?—Her royal highness.

Did she pass in a direction towards Bergami's room? Yes, she did.

How often did this happen during the time you slept in the cabinet? Twice.

Do you recollect at what hour it happened the first time? About half past midnight.

How long did she remain in Bergami's bedroom on the first occasion? Ten or fifteen minutes.

In what manner did she pass? Very softly: she came to my bedside, looked, and passed on.

After she had entered Bergami's room, did you hear conversation, or any thing else, pass between them? I only heard whispering.

How long did the princess remain the second time in Bergami's room? About 15 or 18 minutes, more or less.

Was there a garden attached to the house. Yes, a small one.

Was the door of it kept locked? Yes.

Who had the key? Bergami.

Did the princess ever walk in that garden? Yes.

How long did the princess remain at Naples? About a month, or 40 or 50 days.

Did the witness go with the princess when she left Naples? Yes.

Before the princess left Naples and after witness entered into her service, did any of her English attendants

leave her? Yes, there were some of the English who left her.

Who were they? I can't tell all.

Say first who were the gentlemen that left the Princess. There was Monsieur Sicard, the Maitre d'Hotel, and Captain Hesse.

What was Captain Hesse? I don't know, but I believe he was called an Equerry.

Do you remember the other names of these who left? No, I can't remember.

Was the name of Gell among them? I believe it was.

Was he the Chamberlain? I don't know; he wore two small mustachios.

Was a gentleman named Captain Keppel Craven among the English who then left the Princess? I don't remember; but I think there was such an English name who left the suite of the Princess.

Did any of the English gentlemen in attendance upon the Princess leave her at Naples? Yes, but I can't recollect their names.

Were there any ladies who left the Princess? Yes, but I don't recollect their names.

Did any of them quit the service of the Princess? Yes, but I forget the names. There was one who went away that was a small lady.

Do you recollect Lady Elizabeth Forbes? No.

Were you at Rome? Yes.

Where did you go from Rome? To Civita Vecchia.

Did you embark there in any vessel with the Princess? Yes, we did; we embarked on board the Clorinde.

To what place did you go from Civita Vecchia? To Leghorn, to pass a little time there.

Did any of the English attendants leave you at Leghorn? I don't remember.

Had you a Chamberlain? There was a chamberlain; a tall man; but I don't know his name.

Did any of the Queen's attendants leave her at Leghorn? I don't remember.

Where next did you go? To Genoa.

Who accompanied or met you there? There was a Captain Pownall, and Lady Charlotte Campbell, I think she was a tall, rather a fat lady, and had two daughters.

How long did she stop with the Princess? It might be about 14 or 15 days.

Where did the Princess reside at Genoa? In a place near the road to Rome.

Did Bergami sleep in that palace? Yes.

Where was his room situated? Near the Princess's.

Was there a room between the Princess's room-chamber and Bergami's. Yes.

Did any body occupy it? No, it was a luggage-room, in which nobody slept.

Was that the only place between the Princess's room and Bergami's? Yes.

Might you, or might you not then, pass directly from one room into the other, that is, from the Princess's chamber into Bergami's? Yes.

When you were at Genoa, where did Bergami breakfast? Sometimes in a small room at the top of the grand saloon.

Did he breakfast alone, or with any body? He and the Princess breakfasted together.

For what were you hired? As a servant.

Were you hired to wait upon Bergami, or on the Princess? I was hired not particularly to attend him, but to be at the service of her royal Highness.

Did you wait upon her Royal Highness, or on Bergami in particular, or on both? On both.

Was any other person in the habit of breakfasting with Bergami and the Princess? I saw nobody else.

Do you remember any thing particular occurring one night? No.

Do you remember one night a courier coming from Milan? I do not remember.

Do you remember any night knocking at a late hour at the door of Bergami's chamber, to try and awake him for any particular purpose? Yes, I do.

On what occasion was it, or for what purpose? It was when some persons came to call upon him and say that the people had arrived in the house late.

Do you remember at what hour of the night this happened? I think it was about half past one o'clock in the night.

Did Bergami answer the witness's knocking at his door? No.

Did you knock so loud as that, in your judgment, he must have heard you, had he been there? I think, had he been there, he ought and must have heard me.

Was the Princess in the habit of going or riding out? Yes, she did ride out sometimes.

In what manner did she ride out? Sometimes in company.

Did Bergami ride in her company? Yes, he did.

Have you seen them ride out together? I have.

Did you at any time observe any thing particular pass between the Princess and Bergami on such occasions, when they rode out together? Yes, he put his hands round her waist to lift her upon the ass she rode.

Any thing else? Yes, he held her hand while she rode, as if to prevent her Royal Highness from falling.

Was Bergami's manner like that of the other servants in the house, or did he appear different from them? Yes, he was different.

Did he seem to have more authority? Yes, he had more authority than the other servants.

Between him and the Princess was there any apparent distance, like that towards the other servants; or was there an apparent familiarity between them? There was rather an intimacy.

Did Bergami continue to occupy the same room during their whole residence at Genoa? I don't remember.

To what place did you proceed on leaving Genoa? To Milan.

Where did the Princess's establishment first reside at Milan? At Casa Carcana, Porta Nuova.

At what house? At a house belonging to a family of Boromeo.

Do you recollect, before the Princess left Genoa, whether any of the relations of Bergami were taken into her Royal Highness's service? Yes, I remember some.

What name? One was a female, Faustina.

Was she married or single? I don't know whether she was single or married; she came to the house without a husband.

Was there a child brought into the house? Yes.

What was the child's name? Victorine.

About what age did the child appear? About three years old when she came.

Did the mother of the child come with her? No.

Did any body else come of the Bergami family? Yes, Lewis Bergami.

How were the rooms in the house

furnished when they came? In the usual way.

How was Bergami's room situated as to the Princess's? The rooms were separated by a wall.

How were the doors of the two rooms placed as to each other? At first there was an anti-room, on the right, left for Mr. William; and Bergami's was the room at the near side, next to the Princess's.

Was there a door or a wall separating Bergami's from the Princess's room, or a staircase? Yes, there was a landing-place, which had a door opening into it.

Where was this landing-place? Between both rooms.

Did the door of each open into it? Yes, each door of the Princess's apartment and of Bergami's opened into it. The distance between the doors was about *two braccia*, or about 7 or 8 feet.

Mr. BROUGHAM here observed, that he trusted the Solicitor-General would take care that no other witnesses remained present while a witness was under examination. This was the practice in all other courts, and he had no doubt, from its propriety, would be adopted by their lordships.

THE SOLICITOR-GENERAL could have no possible objection to the removal and separation of witnesses. He was not aware that any witness for the Bill was present, except the one under examination.

The LORD CHANCELLOR said the rule of course embraced all the witnesses, both for and against, always of course excepting those whose duty it was to remain present.

The SOLICITOR GENERAL said that his only wish was to have the practice respecting witnesses observed here as in other Courts. He wished it to be strictly general. He put it, therefore, not alone, in point of strict practice, but in candour to his learned friend, (Mr. Brougham) to take care that his witnesses should be excluded.

Mr. BROUGHAM replied, most undoubtedly, he had no other wish than that the exclusion should be strictly general. All whom he knew he intended to call, he wished should be out of the house: of course he could not mean that the prohibition should extend to any of those whose duty it was to remain. There might be one or two whose duty it was to remain, that he might yet have hereafter to call.

The SOLICITOR-GENERAL commented on the expression used by his learned friend, "all whom he knew he intended to call." He submitted to his candour whether all should not remain out that there appeared the smallest probability of his calling.

Mr. BROUGHAM assured his learned friend that he did not mean to speak equivocally; he meant to deal fairly and candidly, and his learned friend might safely leave the matter to his candour, as he had appealed to it. Of course it was quite impossible for him to know, at this moment, what witness might be necessary for him to call. He could not tell, until his learned friend's case was closed, whether he should call any witnesses or not. If he only heard such a witness as the present called, he certainly should not call any. (A laugh.) He again assured his learned friend that he meant to exclude his witnesses until the time arrived for their examination.

The examination of the witness was resumed by the SOLICITOR-GENERAL.

Were the staircase and landing-place you allude to private, or did any other door open into them?—The staircase and landing-place were private; the staircase led into a small apartment, which was unfrequented.

Did any body sleep in that small apartment?—Yes, sometimes the brother of Bergami.

Were you in the habit of waiting on the Princess at breakfast?—Yes, sometimes.

Did any others so attend?—Yes.

What others?—Sometimes Lewis Bergami, and, occasionally, a courier named Cameron.

During the period of the general residence of the Princess at Milan, did she take a journey to Venice?—Yes.

Before she went, had Lady Charlotte Campbell joined her?—I think not.

Where did she join her royal Highness with her daughters?—I think at Genoa.

Do you know did Lady Charlotte Campbell go from Genoa to Milan in the same carriage with the Princess? I do not remember.

Did Lady Charlotte stay long with her Royal Highness?—No.

Do you remember when she quitted? I think about five or six days before the Princess set out for Venice.

Did Lady Charlotte go away with

her daughters?—I believe she did, for the daughters were not seen in the house after she went away.

Did any English lady of honour remain in the suite of the Princess after Lady Charlotte left? I recollect none.

Did a person called the Countess of Oldi join the Princess?—She did.

When?—About two or three days after Lady Charlotte Campbell left.

Do you know whether she was any relation of Bergami's?—It was reported in the house she was his sister.

How was that known?—It was spoken of.

Did witness himself know it?—Yes.

Was it at first generally known through the household?—Yes, soon after she came.

How soon after?—About the time when she was observed to have a place at the Princess's table with the family.

When you arrived at Venice where did you go?—To the Great Britain Hotel, they afterwards went to the house next by.

How were the bed-rooms occupied by the Princess and by Bergami situate in that house?—They were next one another.

Was there any division between them?—Yes, only a grand saloon. (A laugh.)

Did both doors open into that saloon?—Yes, they did.

Did witness ever see the Princess walk out with Bergami?—Yes.

Where?—Both at Milan and Venice.

In what manner did you see them walk out together?—Arm by arm, or arm in arm, they walked out at Milan and Venice.

Was this by day or by night?—At night.

At what time of the night; at what hour?—After nine o'clock in the evening; between nine and ten o'clock.

Did you ever see Bergami dine at table with the Princess?—Yes, several times.

Where did you first observe this? At Genoa.

Did he continue to dine with the Princess, after the first time you saw him at dinner with her?—Always, as far as I can recollect.

How used they to sit at table?—Where did the Princess sit, and where did Bergami?—Sometimes in one place and sometimes in another.

Did her Royal Highness sit at the head of the table?—Sometimes she

did, and Bergami sat often on her right and often on her left, and sometimes opposite to her.

Was the Princess more than once at Genoa while you were with her? I don't remember.

Do you not remember when you embarked at Genoa?

Mr. BROUGHAM objected to this question. He could not think their lordships would permit his learned friend to make his own witness contradict himself. If the answer were given in one way, it might contradict the preceding answer given by the witness. He must object to this way of pursuing an examination. It was, in fact, to put leading questions.

The SOLICITOR-GENERAL disclaimed any intention of putting what could with propriety be called a leading question.

The LORD CHANCELLOR.—What is the question you mean to put?

The SOLICITOR-GENERAL.—I shall put it in this way, my lord—whether the witness after he left Genoa ever returned there to embark for Venice?

Lord ERSKINE said, that though he thought a counsel might put one question to a witness which would have the effect of contradicting a preceding answer given by that witness, yet that such a question ought not, nor need not, be put in a leading shape.

The question was put to the witness, who answered—I did embark from Genoa.

Do you mean, then, that this familiarity between the Princess and Bergami took place the first or the second time you were at Genoa? I saw it the first time.

Where did you go from Borromeo-house, at Milan? To the Lake of Como, near Milan.

How long did you remain there at the time you allude to? About a month and a half.

Where were the bed-rooms of Bergami and the Princess, and those of the other servants?—The bed-rooms of the Princess and Bergami were one at one side, and the other at the opposite side of a cabinet. There was only a small passage which separated them.

Was any part of your duty to assist in making Bergami's bed?—Yes, it was; I made the bed.

Did you ever remark that it had not been slept upon?—I did.

The other servants lived separate in another part of the house?—They did.

Did you assist in making the beds of the Princess and Bergami?—I did.

Did you observe that either of the beds had the appearance of having been slept in by two persons?—They had not that appearance always.

Could you tell, from your observations of the beds, whether or not Bergami had always slept in his or elsewhere?—It appeared as if he had not always slept in it.

Did that happen often at the Villa Villani?—Yes.

Do you remember the Princess, at the Villa Villani, wearing a blue silk bed-gown, lined with red?—I remember it.

After you saw the Princess wear the blue silk gown, did you see Bergami wear it?—Yes.

Often?—He always had it on.

In the presence of the Princess?—Yes.

When you say always, do you mean that he wore it always in the morning, or during the whole day? Every morning when he made his toilette.

At what time did the Princess usually rise in the morning?—At half-past 10, 11, or half past 11.

When she rose did she usually ring for her servants, or call?—Sometimes she called, and sometimes rang; but for the most part called.

Did Bergami rise at the same time, or before, or after the Princess?—Sometimes he got up at the same time; sometimes a quarter of an hour later.

Where did the Princess go to from Villa Villani?—To Villa d'Este.

How long had she stayed at Villa Villani before she went to Villa d'Este?—Forty-five or fifty days.

Do you happen to recollect the relative situations of the bed-rooms of the Princess and Bergami at Villa d'Este?—I do not remember, because they were changed anew.

When were they changed?—When they undertook the voyage to Egypt.

In what vessel did they embark at Genoa?—In a man of war, the *Leviathan*.

Where did they go in the *Leviathan*?—To Porto Ferrajo.

Where did they go to next?—To Palermo.

Did the Princess go to court at Palermo? Yes.

By whom was she accompanied? I do not remember.

How long did she stay at Palermo? Twenty or twenty-five days; but I do not remember.

Where did you go to from Palermo? To Messina.

Did the Princess take a house in Messina, or near Messina? Near Messina.

Do you know the relative situations of the bed-rooms at Messina? Yes.

Were they near each other? Between the room of the Princess, and that of Bergami, there was a room in which the dame d'honneur slept.

Who was that dame d'honneur? A sister of Bergami.

Did the other persons of the suite sleep in that part of the house, or in another? In another.

You have said that the only room between that of the Princess and Bergami was slept in by the Countess Oldi; was there a communication through that room between the apartment of the Princess and that of Bergami? Yes, it was necessary to pass through the room of the dame d'honneur.

Then I am to understand that through the room of the dame d'honneur there was a communication between the rooms of Bergami and the Princess? Yes.

Do you recollect Bergami breakfasting or eating with the Princess at Messina? Yes, I do.

Where was that? in what room? Beyond the Room where her Royal Highness slept there was a cabinet which led into a garden, and in that cabinet they breakfasted.

Did they breakfast alone, or was any other person with them? Alone.

Do you remember Bergami, at Messina, asking leave of the Princess to go and make some purchases? I do.

Did the Princess give him leave? Yes.

Describe what took place between them when he parted from her for that purpose.—I saw Bergami when the Queen was going to take her breakfast; and he said, "Will your Royal Highness permit me to go to Messina to make some purchases?" and, having obtained leave, gave a kiss to her lips (bocca.)

How long did the Princess remain

at Messina? Twenty-five or twenty-eight days, but I cannot say precisely.

To what place did she proceed from Messina? To Syracuse.

Did she go by sea, or by land? By sea.

At Syracuse did she lodge in the town, or in the neighbourhood? In the neighbourhood; out of the town.

Can you describe the relative situations of the bed-rooms of the Princess and of Bergami at that house? Did the Princess continue to live in the same house she originally took at Syracuse? In the same.

Was it near the pier or mole? About a gunshot from it.

Describe the relative situation of the bed rooms at that house. Mention whether there was a private stair-case communicating from one room to another? There was.

Did that stair-case lead immediately from one room into the other? Yes.

Was there another entrance into the bed-room of the Princess, for the use of persons waiting upon her? There was, from the great chamber where they dined.

Do you remember seeing Bergami go into the room of the Princess without being entirely dressed, in any house before they went to Syracuse? Oh, yes.

Do you remember where it was? If I do not mistake, it was in the Villa Villani.

What part of his dress had he on? That morning gown, with stockings and drawers (cangianli).

Where did the Princess go to from Syracuse? To Catania.

Can you describe the relative situation of the bed-rooms of the Princess and Bergami at Catania? were they near each other, or distant? They were separated by a yard, or court, smaller than this house.

Was there any other separation between them but this court? Nothing else.

Could any other person, after they were in bed, get into that court? No; because the door was locked.

Do you remember whether Bergami was taken ill at Catania? He was.

Was it necessary that his bed should be warmed? Yes.

Did you warm the bed yourself? Yes.

Did you see the Princess on that occasion? Yes.

Was she in the room before you went there, or did she come in afterwards? I was in the room when she came.

How was Bergami sitting? Upon a bench, or sort of stool, while I was making the bed.

Were any directions given by the Princess as to the mode of warming the bed? Yes.

What did she say? She told me to warm the bed, and make it clean and nice.

Did Bergami take any medicine? Yes.

Who mixed it for him? I do not remember.

How long did the Princess remain in the room? While the bed was warming.

While Bergami was sitting at the side of the bed, in the manner described, was he entirely dressed, or partly undressed? Only dressed in part.

What had he on, and what off? He had on the morning gown; but I do not remember what else.

How long did the Princess remain at Catania? About a month and a half.

To what place did she next go? To Augusta.

By land or sea? By sea.

Describe the situation of the bed-rooms.—There was a small yard or court into which both the rooms led, and you passed through this court from one room to the other.

After they were in bed, could any person get into that court? Not until they got up in the morning.

At Augusta did they embark in any vessel? Yes, on board a polacre.

Was that an Italian vessel? A Neapolitan polacre, as they said.

Where did you first go to in it? To Tunis.

Did Bergami receive any title at Catania or Augusta? At Catania.

Was he ever called his Excellency? I remember it.

Was that at Catania? Yes.

Did he wear any decoration? That of the order of Knighthood of Malta.

While in Sicily did he receive any other title? Was he called Baron? I remember he was called Baron Francina.

Did he receive that title first in Sicily? Yes.

Where did Bergami sleep on board the polacre? In the cabin where they dined.

Was the cabin of the Princess adjoining that cabin? It was near it.

Did any other person sleep in the room where they dined? I do not remember.

When the Princess arrived at Tunis, where did she reside? At the English Consul's.

Did she reside there during the whole time she was at Tunis? She changed her lodging.

Where did she go afterwards? To the palace of the Bey.

Do you remember the relative situation of the bed-rooms there? were they near each other? No: at a little distance.

What separated them? First, there was a little room, a small corridor; and then a large room in which nobody slept, and that large room led into the bed-room of the Princess.

Did any body sleep in the small intermediate room? It was only used as a room of passage.

Did the rest of the suite sleep in that part of the building? All in another part.

The Princess afterwards went from Tunis to Constantinople, and from thence to Scala Nuova? Yes.

Where did she lodge at Scala Nuova? They did not stop there, but went to the Grotto of the Seven Sleeping Men.

At what distance? Half a day's journey.

Do you remember the place where there was a Turkish coffee-house? Yes, a Caffè Turque.

Where was that? Before you arrive at the Grotto of the Seven Sleepers.

Did the suite of the Princess take up their residence at that Caffè? During the night.

Do you remember a vestibule of a small church near that spot, surrounded by a wall? I remember that too well.

Where did the Princess sleep on the first night on arriving at that place? Under a tent, made of the boughs of trees.

Do you remember being sent for to that vestibule enclosed by a wall? Yes.

Was the Princess there at that time? Yes.

And Bergami also? He was present also.

Was no other person present? No one else.

Was the vestibule surrounded by a wall? It was surrounded by walls.

Was the Princess's travelling bed carried thither? I carried it myself. By whose direction? Both Bergami and the Princess.

Did Bergami and the Princess remain there? Yes.

Had you prepared the dinner in any other place? I had carried it to the coffee-house, and the Princess and Bergami ordered me to carry the dinner to the vestibule surrounded by a wall.

Did they dine there by themselves? Alone.

Where was the Princess sitting? On a bed.

Where was Bergami sitting? On the ground, at the feet of her Royal Highness.

Did you wait upon her? Yes.

After dinner did they remain there? Yes.

Was any other person with them? None.

Did the bed remain there? Yes.

How long did they remain together in that place? An hour, or an hour and a half.

Where did they go to from Ephesus? To Scala Nuova.

Did they then embark on board the polacre? Yes.

Where did they land? At St. Jean d'Acre.

Do you remember going from thence to Aun? Yes.

Did all persons in the suite of the Princess remain in the day time in tents? Yes.

Were you in the habit of travelling by day or by night? By night.

And slept in the day-time? Yes.

In the tents, in the manner described? Yes.

Do you remember the tent in which the Princess slept? I do.

Was that among the other tents, or at a distance from them?—At a distance of three or four paces; it might be five or six paces.

Was there a bed in the tent of the Princess?—Yes.

Was that the ordinary travelling bed of the Princess?—There was a little bed and a sofa; a Turkish sofa.

Did the tent of the Princess consist of one circle or of two?—It had double walls; there were two tents, one within another.

Was the bed or sofa placed within the inner tent?—Both in the inner tent.

Was that inner tent of a circular form? Both were circular.

What distance was there between the inner and the outer circle? Both the length of my two arms.

Did you see the Princess in the interior tent where the bed and sofa were, and any body with her? Bergami and sometimes the little child.

Were Bergami and the Princess there during the time that was allotted for sleep? Yes, during the time of rest.

Were both the inner and the outer tents closed?—The inner tent was shut up by them, and the outer might be closed or left open, as they chose.

Whom do you mean by *them*? Bergami and the Princess.

Do you remember going from Aun to Jerusalem?—Yes.

Did you stop between Aun and Jerusalem?—Yes.

Did you encamp again in the same manner as before?—They raised the tents in the same way.

Did the Princess and Bergami again sleep in the same tent?—Yes.

How many days were spent in this mode of travelling?—Two.

After the return from Jerusalem where did the Princess again embark? At Jaffa.

On board the same vessel?—The same.

On the first voyage to Jaffa had the Princess slept in the cabin?—Yes.

Do you remember, on her embarking at Jaffa on the voyage home, any tent being raised on the deck?—I do.

What beds were placed in it?—A sofa.

Any bed besides the sofa?—A travelling bed.

Did the Princess sleep in that tent generally on the voyage from Jaffa home?—She slept always in it during the whole journey.

Did any body else sleep in the same tent?—Bergami.

On the deck?—On the deck.

Did that take place every night?—Every evening.

Were the sides of the tent drawn down so as to shut them in entirely?—When they went to sleep the whole was enclosed.

Did they use a lanthorn or lamp for the purpose of going to bed?—Yes.

After they were undressed, and prepared to go to bed, what was done with the light? Sometimes Bergami told him

to take away the lamp when he made the bed, and sometimes he came and put the lamp out with his hand between the deck and the tent.

Were the beds regularly prepared every night?—Every night.

Do you remember whether the Princess bathed on board the vessel?—I remember it.

Where was the bath prepared?—In the cabin.

Who assisted her at the bath?—The first time I carried the water into the bath, and then Bergami came down, and put his hand into it to try the temperature: then he went up stairs and handed the Princess down, after which the door was shut, and Bergami and the Princess remained alone in the cabin.

Did the bathing take place more than once?—More than once, as well as I can recollect.

Do you remember at any time, when Bergami and the Princess were below in the cabin with the bath, being called upon to supply additional water?—I do, two pails; one of hot, and the other of cold water.

Who took the water in?—I went with the water to the door of the cabin, and Bergami came half-way out of the door, and, taking the water, went in.

Do you know whether, when you took the water, the Princess was actually in the bath or not?—I cannot know that.

Where was the cabin which witness slept in situated with reference to the tent on deck? Under it, or how?—I slept in the dining-room, on the sofa, immediately under the tent.

Did you ever upon any occasion, when the Princess and Bergami were in the tent, hear any noise or motion over you?—Yes; I heard a noise.

Where did you land?—At Capitan.

Where did they go to from thence?

—I do not know, because I did not follow them.

Who went on shore at Capitan?—The Princess, the sister of Bergami (Countess Oldi,) the Turk, the Moor, and a man named Cameron.

What were the Turk and the Moor called?—The Moor was called Selim, and the Turk Soliman.

Was there any body of the name of Mahomet?—Majomet.

Where did he embark on board the vessel?—At Jaffa.

Did Bergami go on shore at Terracina?—Yes.

Before the Princess landed?—Yes.

For what purpose?—To get leave from the Pope not to make quarantine.

Do you remember the Princess and Bergami taking leave of each other at the time he landed?—Yes, I remember it too well.

Tell us what passed?—I saw him kiss her Royal Highness.

Where were they?—In the cabin.

Where did you again join the Princess?—At Villa d'Este.

How long did the Princess and Bergami remain at Villa d'Este?—About a month after I joined them. [The witness added, that, as he was obliged to perform quarantine at Genoa, he did not join them for 37 days.]

After you arrived there, did the Princess and Bergami go to a place called the Barona?—Yes.

How soon after you reached Villa d'Este did they take that journey?—About a month.

Do you know the place called the Villa Bergami?—Yes.

To whom doth it belong?—To Bergami now; he has bought it.

Are Villa Bergami and the Barona the same place?—It is the same place; it was called the Barona.

Do you know when Bergami first became possessed of this place? About the time when they were in the Villa Villani.

Is this Villa Bergami a considerable estate with land about it?—Yes, there is land; it is a species of farm-house, where they make cheese.

How long did the Princess and Bergami remain there?—About 6 weeks, when afterwards they took a journey to Bavaria.

Was it during the carnival?—Yes.

Do you recollect the relative situations of their bed-rooms at Villa Bergami? were they near to each other? They both opened on the same landing-place.

By crossing that landing-place, was there a free communication from one room to another?—The landing-place was about a yard in length.

Was it separated from the rest of the house?—From all the rest.

Do you remember, while the Princess was at the Villa Bergami, any dances or balls being given?—I do.

Did that occur frequently?—No; twice.

How far was it from Milan? Two miles.

What description of persons attended at those balls? Country people.

Did any of the nobility of Milan visit there? Not that I remember.

What do you mean by, "not that you remember?"—At one time Bellegarde paid his respects to the Princess, and after he was gone the Governor Saurao came.

Did you accompany the Princess in her journey to Bavaria?—Yes.

Do you remember how the apartments of the Princess and Bergami were arranged at the different times?—In Bavaria I remember.

At what place?—At the Golden Stag, at Munich.

How were the bed-rooms arranged?—The dining-room separated the bedroom of her Royal Highness from that of Bergami.

In the course of that journey, or any other, were the bed-rooms arranged by the master of the inn afterwards changed by order of the Princess on her arrival?—Yes.

Did that happen more than once, and at what places?—It happened in Bavaria, at the Golden Stag.

By whose order was the change made?—Her Royal Highness's and Bergami's.

Was her Royal Highness present at the time?—She was present.

The SOLICITOR-GENERAL had put the question whether the witness remembered being at Carlsruhe, when he was interrupted by

Marquis CAMDEN, who reminded the house that it was now considerably past the hour fixed for closing this business for the day—4 o'clock.

The Earl of LIVERPOOL asked if the examination in chief were nearly closed.

Earl GREY thought that, rather than sit for the whole year, the house might sit for a quarter of an hour, or even an hour longer.

In answer to a question from the Lord-Chancellor, the Solicitor-General replied, that he did not think he could conclude the examination in chief of this witness in the time stated by the noble lord.

Some conversation ensued upon this point, and Lord DARNLEY suggested that the hour in future for closing should be five instead of four.

Lord ERSKINE was in favour of four o'clock, and Lord GRENVILLE wished that, whatever hour was named,

it should be adhered to, for the sake of despatch and regularity.

Lord ERSKINE moved that the house adjourn at four o'clock; and the question being put from the woolsack, we understood the Lord-Chancellor to decide it in the affirmative.

Adjourned at five o'clock.

Her Majesty did not re-enter the house in the course of the day.

TUESDAY, August 22.

The house met at the usual hour. After prayers were read, and the names of their lordships called over, the counsel were introduced to the bar.

THEODORE MAJOCHI was then called in, and his examination resumed by the Solicitor-General.

You said yesterday, that you attended the Princess to Bavaria?—Yes.

Did you also go with her to Carlsruhe?—Yes.

Did you also go with her on her journey to Nuremberg, Vienna, and Trieste?—Yes, I went.

Without asking a particular description as to the arrangements of the rooms of the Princess and Bergami, I wish to know in general whether, to the best of the witness's recollection, they were, on this journey, contiguous, and had a direct communication with each other, or whether they were distant?—They were more near than apart.

Here some doubt was expressed respecting the answer of the witness. The interpreter observed, that he had said "*Meglio vicino che lontano.*" The words might have a double meaning. They might mean very near, or comparatively near. Their lordships might take it as they liked. (A laugh.)

Mr. BROUGHAM thought that this instruction should be given to the interpreter, that when words had a double meaning, he should translate them literally, and leave it to the house to judge of their import.

The question was repeated several times, and the result, as given by the interpreter, was—"rather more near than distant—more near than apart."

Had the apartments of the Princess and Bergami in general a communication with each other?—Yes.

Were they in general separate from the rooms of the rest of the suite?—They were.

Who in general selected the apartments for the Princess and Bergami?

—They both made the distribution of the chambers—both her Royal Highness and Bergami.

Did Bergami, during this journey, travel in the same carriage with the Princess?—Yes.

Did he also in the journey to Bavaria?—Yes.

When you say that they travelled in this way to Bavaria, do you mean in the journey through Germany?—I mean so.

Was it your business to procure a carriage, and to put things into it?—Yes.

Do you know in what part of the carriage Bergami sat?—I do not remember.

Do you remember finding any bottle in the carriage?—I did find a bottle.

Was that bottle usually placed in the carriage when the Princess and Bergami travelled together?—It was.

Will you explain the appearance of this bottle at its mouth?—It was about three or four inches wide by the diameter.

Do you know from what was found in the bottle, to what purpose was it used in the carriage?

Did you attend on the Princess to the Convent of Benedictines at St. Alasio?—Yes.

Do you remember seeing her at breakfast there?—Yes.

Did she breakfast alone, or with Bergami?—With Bergami.

Do you remember any thing being then done by Bergami to the Princess?—I do not remember.

At what place did you quit the service of the Princess?—At Pesaro.

How long were you in her service?—Nearly three years.

Where did you go to when you left her at Pesaro?—To Milan.

Into what service did you then enter?—Into the service of the Marquis Brava di Scalpa.

How long did you remain in Italy after you left Pesaro?—I cannot tell.

I do not ask you to say to a certainty, but as nearly as you can.—I cannot tell.

Was it three or four months?—I do not remember.

Do you remember going with the Princess to Pavia?—Yes.

At what inn did you stop?—I do not remember the name of the inn, but it was the one on the right hand as you enter the town.

Do you remember while at Naples the circumstance of Bergami being out on horseback one day, and the Princess asking for him? I remember it too well—(after a pause the interpreter added)—or very well.

The witness used the word "troppo;" and the answer having excited some observation within the bar, the interpreter observed that it might be taken as "too well," or "very well." The literal meaning was "too much;" but that interpretation had been objected to yesterday; he considered the witness to mean very well.

Mr. BROUGHAM.—I make no objection to the interpretation.

During the absence of Bergami on horseback, did the Princess ask for him?—She did.

The SOLICITOR-GENERAL wished here to remind their lordships, that the witness had stated that he had been with the Queen before at Naples for about a month, in the year 1814.

Did the witness on Bergami's return, communicate to him that the Princess wanted him?—I did.

Was she at that time in her bed-room?—I do not know, because I was below in the court.

In consequence of the communication made by the witness, did Bergami go to the Princess in her bed-room?—

Mr. BROUGHAM objected to this mode of examination. The witness had not said where the Queen was, and he put a question which assumed that she was in her bed-room.

The LORD-CHANCELLOR considered the question irregular. The witness ought to be asked, To what place did Bergami go?

The SOLICITOR-GENERAL.—Let him then be asked where Bergami went to.

Mr. BROUGHAM interrupted the witness in the answer he was giving, by observing that he was going on to relate a conversation which had passed between himself and Bergami.

The SOLICITOR-GENERAL submitted that the conversation would be evidence if it related to an act done by her Majesty.

Lord ERSKINE made some observations, which were not distinctly heard. We understood him to say that the conversation would not be good evidence if held in the absence of her Majesty.

The LORD-CHANCELLOR (as

we understood) said that a conversation in the absence of a third person might be evidence, if connected with some act of that person.

The SOLICITOR-GENERAL said that of the nature of this conversation he was no way apprized; but he would ask the witness where Bergami went after he was informed that the Princess wanted him?—Into his own room.

What did he do on going into it?—He shut up the door.

Do you mean that he merely closed the door, or that he fastened or locked it?—He locked it.

Did he remain there long?—About three quarters of an hour, or an hour.

Did you see the Princess below during this time?—I did not.

Did the new arrangement of the bed-rooms which was made at Villa d'Este take place during the journey in Greece?—Yes; it happened then.

Do you know what was the relative situation of the rooms after the Princess returned from Greece, and the change had taken place?—I do.

Do you recollect whether the rooms of Bergami and the Princess were near and had a direct communication with each other?—I do recollect they were.

Were the apartments of the rest of the household at a distance?—They were more apart.

Do you recollect whether, on the door of Bergami's room being closed, all communication was interrupted between that part of the house where the rest of the Princess's suite slept and the apartments of Bergami and the Princess?—Yes, when his door was locked nobody else could go into the Princess's apartment.

Do you recollect an alteration having been formed in the wall of the apartment?—I do not remember.

Was there a theatre at Villa d'Este?—Yes.

Did the Princess appear on that theatre?—Yes.

Did she act in the same piece with Bergami?—I have seen Bergami and the Princess there together, but I never remained during the whole performance.

Was the Princess while she lived at Villa d'Este usually visited by persons of distinction in that neighbourhood?—I do not remember.

Do you remember a person of the name of Majorotto, or Mahomet, being in the service of the Princess?—Yes.

What countryman was he?—He was from Jaffa.

Did he come on board the Princess's vessel at Jaffa?—Yes.

Did he live at Villa d'Este?—Yes.

Tell us any exhibition he was in the habit of making, always observing not to mention any except those at which the Princess was present.

Mr. BROUGHAM thought his learned friend ought to put his question in a more specific form. It would be necessary, in the first place, to bring the Queen and this man together.

The SOLICITOR GENERAL would endeavour to obviate the objection. Do you remember any time, when the Princess was present, at which Mahomet made any exhibition?—Yes, he performed a Giuoco.

It was here asked what was meant by a Giuoco, and the interpreter stated, that it was a generic term, which comprehended all kinds of plays, games, and tricks.

What tricks was he in the habit of playing?

Mr. BROUGHAM observed that they had nothing to do with the habits of Mahomet. It was only what was done when the Princess was present that could be made the subject of inquiry. He must, therefore, object to the question.

The SOLICITOR-GENERAL.—Will the witness describe the nature of the Giuoco to which he has alluded, at which the Princess was present?

Here the witness moved his body up and down with a sort of dancing motion, occasionally extending his arms and snapping his fingers, as if using castanets in a fandango, and exclaiming "vima dima." or some such words.

The interpreter being asked what this was, said it was a species of dance very commonly performed in the East, and—

Mr. BROUGHAM interrupted the interpreter, observing that his account was unnecessary. Could he explain the words "vima dima"?—The interpreter could not.

The SOLICITOR-GENERAL.—Was any thing done by Mahomet with any part of his dress?—Yes, with his great *brachese*, or pantaloons.

Did he make any use of his linen, or of his pantaloons?—Yes.

What use did he make of them?—Here the witness made several movements.

Did he, either before or during the time of these motions, make any arrangement of his pantaloons, or do any thing with his linen?—I do not know.

I will ask you then to describe the *Giuoco* from beginning to end.

Here the witness pulled up his trowsers, and repeated his imitation of the *Giuoco* of Mahomet as before.

The interpreter said their lordships saw the motion the witness made, and could judge of it as well as he.

Mr. BROUGHAM said the motion the man was making might be described in one short word—a courtsey. Some peers called out—No! no!

The SOLICITOR-GENERAL wished the witness to describe exactly the manner in which the trowsers of Mahomet were prepared for this trick: he therefore asked, did he do any thing to his trowsers with his hands either before he began or when going on with the *Giuoco*?—I did not see him do any thing.

Was the position of his trowsers the same as usual?—Always.

Do you remember this *Giuoco* being performed more than once in the presence of the Princess?—Yes, more than once.

Was Bergami present as well as the Princess?—He was.

After you went to Milan, and entered into the service of the Marquis, where did you go?—To Germany.

When at the Villa d'Este did you see the Princess and Bergami alone on the Lake of Como?—Yes.

The witness has said, that he has seen the Princess and Bergami together, and unaccompanied, on the Lake of Como. Has he often seen them so?—Yes, many times.

The SOLICITOR-GENERAL here said—My lords, that is all the questions I have at the present moment to ask this witness.

Mr. BROUGHAM.—I trust, my lords, I shall now be permitted, according to the usual course, to enter upon the cross-examination of this witness: I am ready to do so.

(Cries from the peers of "Go on.")

CROSS-EXAMINED BY MR. BROUGHAM.

When the learned gentleman was about to commence, the Marchese Nicolas Spinetto was going to retire, and make way for the second interpreter,

Benedetto Cohen; but Mr. Brougham said there was no necessity whatever; he was quite satisfied with the interpretation of the Marchese, who accordingly continued to interpret, but removed to the left of the witness, so as that the latter should stand exactly next to the learned counsel.

You have told us you left General Pino's service, was it not on account of killing a horse?—No.

You never killed a horse then at all?—Never.

You never told any one you had?—Never.

While Mr. BROUGHAM was in the act of putting this question, some signification, by whisper or gesture, was made by some of their lordships, which seemed to indicate disapprobation.

Mr. BROUGHAM appealed to their lordships, to know whether he had fallen into any irregularity. (Cries of "No, no.") Their lordships must be aware that any symptoms of admonition must have great weight with him, and were certainly calculated to withdraw his attention from the serious duty he had to perform. (Cries of "Go on.")

What wages had you in General Pino's service?—25 pence per day.

Did you go away, not finding those wages enough?—I left the service of the General during the blockade of Mantua.

Ask him whether, at the 2d table of the Princess's household, Sir W. Gell's servant did not sit also?—What servant of the Chevalier?

An English servant?—I don't remember.

Did Mr. Craven, another English gentleman?—I do not remember.

Had either of these English gentlemen English servants at all with them?—Yes, they had.

Were they in or out of livery?—During every day they did not wear liveries; but at dinner sometimes they wore uniforms.

The interpreter here observed that uniform was the real translation of what he (the witness) said; but livery was meant by it also.

Was it the duty of the ordinary livery-servants of the household to wait upon her Royal Highness?—Yes, at table.

Did they at breakfast?—No.

Did the upper servants, including the couriers, do so as a part of their duty?—Yes; they did.

Did he know Jeronymus?—Yes, very well.

Did he know Cameron?—Yes, they they were couriers; they wore the liveries of such at least.

In the Queen's house at Naples where did William Austin sleep?—I don't remember.

Will you swear he did not sleep in the next room to her Royal Highness?—I cannot swear?—I cannot remember, (non posso ricordarmi.)

Where did Dr. Holland, her Royal Highness's physician, sleep?—I don't remember.

Will you swear there was no other passage through which her Royal Highness could go to Bergami's apartment, when he was ill, except that in which you slept?

[The witness not seeming to comprehend the question, it was repeated to him.]

I have seen that passage I spoke of, but other passages I have not seen.

Will you swear that was the only one?—There was a great saloon, after which her Royal Highness's apartment, and then came a cabinet.

Will you swear there was no other passage?—I cannot swear, I have seen no other passage than this.

Will you swear the only passage to Bergami's room was through the cabinet?—I cannot swear that there is no other passage.

You will not take upon you to swear then, that there might not have been another passage?—There might have been another passage. I cannot say: I speak of one passage; I have only seen that one, that I remember.

LORD LONGFORD.—Will you swear that there was no other way in which a person wishing to go from the Princess's room to Bergami's room could go, except by passing through the cabinet?—There was, I think, another passage going to the room of Bergami.

MR. BROUGHAM.—Without passing through the room in which you slept?—Yes, Sir.

Where did Jeronimus sleep?—I don't remember.

Where did Cameron sleep?—I don't remember.

I see you don't remember. I take it then for granted you don't remember where Mr. Craven's servants slept?—I don't remember.

[The constant repetition of the wit-

ness's answer—"Questo non mi ricordo,"—(I don't remember,) occasioned some laughter.]

Did you know the female servant, Dumont?—Yes.

Where did she sleep?—I don't know.

Were there other female attendants?—Yes.

Where did they sleep?—I don't know.

You recollect when Bergami was ill?—Yes.

Was it not a very severe accident which Bergami met from a kick of a horse?—Yes.

He was much hurt?—Yes. It was so strong, he could not ride or go.

Did this accident confine him to his room?—I can't say, not having knowledge of the illness.

Were you not taken into the service of the Princess to attend Bergami in that illness?—Yes, Bergami told me to attend him.

You have said he could not ride; could he walk?—I don't know.

Did he go out walking?—I don't know whether he could walk.

Did you see him walk out, as he usually did before his accident, from his room to the streets?—I can't tell.

Will you swear that during his illness he ever walked out once?—I don't remember to have seen him.

Did you ever go into his room during the time of his illness?—I did; I helped upon him—that is, waited.

Did you often so attend upon him?—Yes.

Did you at any time of that attendance, then, see him walk?—At least I cannot say; I don't recollect.

Was he attended by any medical man?—I don't remember.

Did you not see her Royal Highness go into the room of Jeronimus when he met with an accident?—I don't remember.

Have you not seen her go into Sir William Gell's room when he, too, was confined by illness?—I don't remember.

Was it not her constant practice to go into the apartment of any of her suite who happened to be ill, in order to see after their health and their treatment?—I don't remember—(non mi ricordo.)

You were never ill yourself at Naples?—No; I don't recollect.

The Princess never entered your apartment while you were ill?—No.

Did the Princess make any difference between the highest and the low-

est of her servants, during any illness of any of them?

The SOLICITOR-GENERAL objected to this mode of pursuing of cross-examination. It was assuming that some of them were ill, of which there was not proof.

Mr. BROUGHAM.—Then I will put the question this way, for I mean to assume nothing.—Whether the witness observed on the part of the Princess any difference in her treatment of either the high or the low in her visits of the sick?

The SOLICITOR-GENERAL.—Precisely the same objection applies to this mode of putting the question as to the other. I object to an assumption of any thing. Prove it: ask him whether any of the servants were ill; whether Jeronimus was, or any body body else?

Mr. BROUGHAM.—Then I shall, to save trouble, vary the question, though I do not think I have been incorrect.

Were all the servants of her Majesty's suite always in perfect health, except Bergami, during his illness from the kick of the horse?—*Questo non mi ricordo*—I don't remember. (A laugh.)

Was there any physician in attendance at any time except upon Bergami?—I don't remember any other except while Bergami's accident.

Will you swear there was no physician in attendance at any other time?—*Questo non mi ricordo*—I don't remember. (A laugh.)

On what bed did you sleep in the little cabinet while attending upon Bergami?—On a mattress.

Had it any curtains?—No.

When her Royal Highness went from Naples to Rome in March, 1815, what English persons were with her?—I cannot say exactly. There was Dr. Holland; Jeronimus as far as I know.

Was not Lady Charlotte Lindsay there?—I don't know.

Was there no English lady with her Royal Highness?—I remember to have seen one English lady; I forget the name; the little thin one I remember.

Did not one of these English ladies go with her Royal Highness in the journey from Naples to Rome?—I don't remember.

What lady did accompany her?—There was a Madame Falconet.

Any body else?—Madame Falconet was taken to be the wife of a banker at Naples, and she had two daughters.

Was she an English lady?—I don't know.

Did she speak English?—I don't know.

Did she always speak English, or what other language?—She always spoke like French.

Did she take her two daughters with her in the journey of the Princess from Naples to Rome?—*Questo non ricordo*, (I don't remember.)

Did you ever see Madame Falconet's two daughters in the Princess's house with their mother?—I think, or I fancy, I have not seen them.

Did you ever see them elsewhere?—Yes, I think I saw them on the way from Naples to Rome with the Princess.

Of what age were the daughters?—I don't know.

Were they young ladies, or young children?—I don't know.

[Here the interpreter, after putting the question and repeating the answer, observed, that the witness did not seem to comprehend the question.]

The LORD-CHANCELLOR.—I desire it to be known, that the witness must not be interrupted while he is giving an answer to a question. I saw the counsel putting a fresh question while he was answering the last.

Mr. BROUGHAM disclaimed any wish to interrupt the witness. He was always desirous to have his answer complete.

The LORD-CHANCELLOR replied, that he imputed no blame to the counsel, for the witness at the time had his back turned to him, and of course he (Mr. Brougham) could not have seen whether the witness had finished his sentence or not.

After a few words in explanation between the SOLICITOR-GENERAL and Mr. BROUGHAM, respecting the form of putting questions, the cross-examination was resumed.

The former question was then repeated.—Answer. Young ladies.

Did you see Lady Charlotte Lindsay, or any other person besides Madame Falconet, when her Royal Highness left Naples?—*Non mi ricordo*.

Did you ever see more than one English lady in her Royal Highness's household at one time?—*Non mi ricordo*.

[The interpreter explained, that these words meant "I don't remember, or I don't know;" and that they answered to the French phrase "*Je ne sai pas*."] Mr. Brougham considered the correct

translation of the words to be of much consequence; and he dissented from that which had been put upon them by the Marchese; upon which the Marchese Spinetto (the interpreter) begged that their lordships would apply to the interpreter for her Majesty, who was behind him, and would correct him if he was wrong. Their lordships desired Mr. Cohen, accordingly, to be asked, which was done by Mr. Brougham.

How do you translate the words "Non mi ricordo?"—I do not recollect.

How do you render "I don't know?"—No so.

Mr. BROUGHAM then appealed to their lordships. It would be the most childish thing in the world in him were he to talk of his knowledge of the Italian language; because their lordships had appointed an interpreter, and they were to take the witness's answer through him. But if it appeared that they always translated "Non mi ricordo" "I don't recollect," it seemed to him that it might be allowable for a person—even, who, was only a Tramontane, like himself—to doubt whether the same words could sometimes mean "I don't recollect," and at others "I don't know."

[The interpreter, with their lordships' leave, re-stated the question.]

Lord HAMPDEN desired the interpreter to say how he would translate "This I don't recollect."—The interpreter replied, "Non mi ricordo questo."

Mr. BROUGHAM said, that was exactly his construction of the words. Did the interpreter, by "Non mi ricordo," mean to say "I have no recollection," or "I have no knowledge?" The interpreter answered, "I have no 'recollection:' and that the word 'questo,' which was desired to be precisely stated, applied to the particular circumstance spoken of.

The cross-examination was then resumed by Mr. BROUGHAM.

You gave us an account yesterday of your knocking one night at Bergami's door, at Genoa, so loud that he must have heard you: and that you did not receive any answer?—I did.

What sort of people were they who were coming to the house that night, that it made you go and knock up the Baron—the Baron Bergami?—It was when that attempt was made to rob the house.

Do you mean to say that robbers had broken in, or threatened to break into the house?—Robbers had come into the house.

Was not the alarm given, that it was a part of your friend Ompteda's gang?

The SOLICITOR-GENERAL submitted that this was an irregular question, and liable to the same objection which he had already made to a former one. It was assuming that there was a person of the name of Ompteda, and that he was a friend of the witness's: it was assuming, too, that this was a gang of robbers.

Mr. BROUGHAM.—So they were, by the answer to the last question which I put.

The SOLICITOR-GENERAL.—Of which gang you also assume, that the friend of Majochi, the witness, was a part.

Mr. BROUGHAM.—A part of the gang! He was their head; their ring-leader.

The LORD-CHANCELLOR, addressing the learned counsel, observed, that he had said he would go by steps; but here he was assuming the whole of the facts, which it was not competent for him to do.

Mr. BROUGHAM had not so understood the matter; but would waive the question.

Counsel resumed.—Did not you wake from your sleep on that occasion, and go to the window?—I opened the window, and saw a tall person below me. I went out; I took a gun and fired on this person. I had seen this person; these persons—for there were more than one—and they fled.

Here Lord MANSFIELD (from the gallery) moved that counsel should withdraw, which was ordered.

Lord MANSFIELD then asked whether Sir Wm. Gell was one of the witnesses summoned; and being informed that Sir Wm. was ordered to attend, he demanded whether he was present.

The LORD-CHANCELLOR asked if Sir Wm. Gell was present, in attendance upon the house?

The Usher of the Black Rod informed their lordships that he was.

Upon Lord MANSFIELD'S motion that he be called in.

The LORD-CHANCELLOR was of opinion that their lordships might hear within the house; but, if so, he did not know if such a proceeding should not be subject to a question, whether he might thereafter be examined.

ned as a witness upon the question. (The Solicitor-General was about to speak, but the Lord-Chancellor continued.)—Their lordships, as he understood the matter, had thought it would be most proper that the witnesses, upon both sides, who were not under examination, should withdraw while the examinations were going on—with the exception only of those who were employed upon professional business, or who were attending, otherwise, upon account of a necessity to do so. He apprehended that in the case of any one not falling within that description of persons to whom he had just alluded, it was entirely within their lordships' discretion whether or no they should admit him to be afterwards examined, if he had been so present. But it was extremely fitting that counsel should know what the understanding of the house was upon this head, for fear they should lose the benefit of evidence which might be most material to them. The question for their lordships to consider must be, whether an individual, having been present in the house at the examination of witnesses, could afterwards, himself, be examined for that purpose?

Earl GREY understood that it was the wish of the house that the other witnesses, upon both sides, should retire during the examination of a witness. If any one were now present it might be contrary to the understanding of the house, and from error, but it would be much better that the house should now lay down distinctly what it would rule, in order that no witnesses might hereafter be present except those who were necessarily so.

The Earl of LIVERPOOL concurred in the propriety of the course recommended by the noble earl; he only wished to know what he meant by the words "necessarily present." Did he mean to say professionally? or did he mean "necessarily," as for the purposes of consultation; for he (Lord Liverpool) could easily conceive that in the case of the Queen it might be necessary that some of the witnesses should attend in consequence of the information which they could give. He submitted that counsel on either side should have their option—that of having the particular individual present in the house, or of after examining them. He agreed in the opinion of the noble earl, but wished to know

what he meant by being "necessarily" present.

Lord GRENVILLE should recommend "that witnesses not yet examined be directed to retire, and that they shall not be present without the leave of this house." All the witnesses who might be retained upon both sides ought not, he conceived, to be present. If it were wished by counsel to have the assistance of an officer who might be a witness, for the purpose of conducting the case, he ought not to be present. That officer could not be presumed to be present, or, if he were present, he could not afterwards be examined as a witness.

The LORD-CHANCELLOR was sure their lordships would feel of what material importance it was that the rule should be laid down clearly, beyond dispute, and so that it might be certainly known. He hoped their lordships would then have no doubt whatever upon the subject. He was quite sure that he spoke to an assembly which would feel the deepest possible regret if it should happen that an unfortunate misunderstanding should exclude any witness whose testimony might satisfy their lordships as to what the proof was. He should hope that they would take the rule which had been suggested by the noble lord under the gallery—that any person ordered to attend on that house as a witness during the present proceeding should not be suffered to be examined, if he should have previously been present during the examination of any other witness. But he should be very sorry (whatever might be the inconveniences which might arise from a contrary course) if their lordships applied this rule to such an extent as to exclude parties employed as the agents of those who were concerned in the case; or, in consequence of such a mistake as had occurred, if their lordships applied it in the present instance. (Hear, hear.) He, for one, would ten thousand times rather meet these inconveniences and consequences, than that, because of a misunderstanding, this evidence should be shut out. The Lord-Chancellor then repeated the rule, and asked their lordships, whether it was their pleasure to adopt it?

Earl GREY said a few words in explanation.

The LORD CHANCELLOR thought there could be no doubt in

the world, but that in this case, as in cases of a much less complicated nature, occasion might arise, in the course of the business, to call in witnesses whom the counsel, in a former part of the proceeding, might never have intended to call, nor seen the necessity of bringing forward.

After one or two observations, in a low tone of voice, from the Marquis of LANSDOWN and Lord ERSKINE, the question founded upon the suggestion of Earl GREY and Lord GRÉVILLE, was put and agreed to; and counsel were again called in.

Earl GREY observed, that there might be some convenience in prohibiting witnesses who were to give evidence there from giving it without. The same principle which had now excluded them from hearing the evidence of one another within these walls, should be applied to exclude them from receiving it, in any way without.

Mr. BROUGHAM represented, for their lordships, that, in consequence of what had passed yesterday, one of the witnesses had been present at this examination. He meant Sir William Gell. But he meant to say that he was so present, officially, upon his duty, and not professionally. Their lordships would observe, that Sir William Gell was there in attendance upon her Majesty. (Order, order, from Lord Liverpool: and cries of "withdraw.")

Mr. DENMAN hoped their lordships would permit him to mention one particular circumstance. It might be known to them that Lord Landaff was another of the witnesses summoned upon the part of her Majesty. In the course of the morning he had asked his Majesty's Attorney-General's permission that this witness should be present at the proceeding. He felt it his duty however, now to apply for their lordships' permission, because the consent of counsel on either side could not affect the rule. He considered it incumbent upon him to give this notice, in order either to retain his lordship as a witness for examination, or have the benefit of his being present.

The Earl of LIVERPOOL said, that was quite a different thing. An Irish peer, though he was not a representative peer, had a right to be present at the proceedings of that house.

The Earl of LIMERICK hoped, that in the application of the rule their lordships would not make any such invidious distinction.

The LORD-CHANCELLOR had not recommended it for the purpose of excluding either any Irish peer, not being a representative peer, or any other person, except those to whom it was to extend.

The ATTORNEY-GENERAL begged to know whether the rule was meant to extend to those persons who, from professional duties, were obliged or under a necessity to attend, in this stage of the proceeding, at the bar of their lordships? If their lordships pleased, a list should be made out of all those who it was requisite should so attend, and given into the Lord-Chancellor's hands.

THE LORD-CHANCELLOR thought it might be very convenient; but the rule could not be meant to extend to those who were professionally engaged.

MR. BROUGHAM asked whether his lordship meant, by that, counsel, attorneys, and their clerks?

THE LORD-CHANCELLOR.—Yes; and any other persons whose attendance is absolutely necessary.

During the discussion upon Earl Grey's motion Sir William Gell had retired. A pause now intervened; and Mr. BROUGHAM requested to know whether it was their lordships' pleasure that he should go on. (Cries of "Go on, go on.")

Counsel resumed.—After the robbers had attacked or threatened the house, and you fired on them in the way you have described, was not the whole house alarmed by what had taken place?—I immediately ran to knock at the door; and then, in going down stairs, I found that all the people were collected, and coming down stairs.

Did you see one of them with a drawn sword in his hand, upon that occasion?—Non mi ricordo.—(I don't recollect.)

Was Captain Hannam there on that occasion?—Non mi ricordo.

Was Hieronimus there?—There was all the family; but I cannot say, individually, whether he was there.

Did you see Bergami there?—Yes, Bergami was there; I saw him.

How long after the first alarm was it that you went to knock at Bergami's door?—Three minutes.

Three minutes after you had fired the piece?—Yes.

After knocking at Bergami's door, and not finding him there, did you open the door, to see whether he was in the room or not?—No; I did not open the door; but Bergami came out,

about a quarter of an hour after; he made a great noise when he came out.

And where were you at the time Bergami did what you choose to call, come out?—[Here the interpreter submitted that it was impossible for him to put the question in this manner: he could not ask him what he chose or pleased to call "come out."]

I mean to ask him where he was when Bergami did what, he calls, come out?—I knocked at the door; and receiving no answer, went down stairs; and then all the family were coming out; and then I saw Bergami coming out in about a quarter of an hour after.

Mr. BROUGHAM here observed—He first fires upon the robbers; three minutes previously he has knocked violently at the door of Bergami's room; then he goes to see what is the matter. But it seems that in a quarter of an hour after this it is, that the house is alarmed, and he fires at them. Will you ask him, how soon it was after he fired the piece that he saw Bergami and the rest of the household come out?—I fired: I ran into the room, and knocked at the door of Bergami's room, but received no answer: I went back again to the place where I had fired: the family were collected on the stairs, and there was a cry of "Robbers! robbers! we have robbers in the house." I remained there until the family had retired, and it was peaceable.

How long were you knocking at Bergami's door?—I remained a long time, and I knocked very loud; louder and louder.

Did you go below, from Bergami's door?—I went down into the same room where the robbers got in.

Where did you, first of all, see Bergami, after this time? Where, first of all, did you see him again?—In the same room where I returned, and in which the thieves had been.

You have said that the Princess went almost immediately from Venice to a private house at Naples?—Yes.

What is the room which is next the Queen's in that house?—There is a great saloon and a corridor, in which there is a room which leads into the bed-room of the Princess.

What other room leads into the Princess's room, on any other side, and opens into it? Is there any other room except the saloon?—These rooms are upon two sides of the saloon; on the third side there are others.

Explain your-self. (The interpreter put the question again.)—On those two sides there are rooms, and on the last side there is a room which is open to the air.

Was not the room used as a sitting-room, on the side which you speak of, that which opened into the Queen's rooms?—I don't know what use these rooms were for.

Was it there where Jeronimus slept?—I don't know. (No so.)

Beyond those rooms which you have described, and of which you say you don't know the use, was there a staircase?—I don't know. I have not seen any stair-case on that side.

Where did William Austin sleep in this house?—Non mi ricordo. (A laugh.)

Where did Captain Hannam sleep?—Non mi ricordo.

Was he with the Queen at Venice?—He was.

Was William Austin with her?—He was.

Was Jeronimus with her?—He was.

Was Cameron there with her?—No; he was not there.

Was the Piccaroon there; the child I mean; Bergami's child? Non mi ricordo.

Did the Piccaroon, Victorine, always sleep in the same room with the Princess?—Generally.

After the time at which the Piccaroon child came to live in the house with her Royal Highness, did she generally sleep in the same room with the Queen?—I do not know.

Do you know of her ever sleeping in any other part of the house?—I cannot say.

Did you ever know her sleep in any other part of the house, or of ships?—Non mi ricordo.

[The interpreter here complained that the witness did not understand the commonest word even; he was so ignorant that he (the interpreter) did not know how to put a single question to him.]

Will you swear that you ever, in your life, saw Victorine sleep in any other part of the house or ship, except that where the Queen was?—Sometimes she slept under the pavilion, where was the bed of her Royal Highness, sometimes down below the deck, and sometimes with the dame d'honneur, sometimes under the pavilion with her Royal Highness, sometimes in a room with her.

(The SOLICITOR GENERAL was about to address their lordships, but he was called to order.)

When do you mean by the "dame d'honneur"?—The Countess Oldi.

Sir; upon your oath, now, did you ever see Victorine sleeping out of the room where her Majesty slept at that time?—This I don't know.

Did you ever see Victorine in any bed or room asleep, in which bed or room her Majesty was not to sleep that night?—(The interpreter again submitted that the witness did not appear to understand him. Having repeated the question once or twice, the witness at length comprehended him, and replied)—I never have seen it happen.

Did Mr. Burrell, an English gentleman, go to Venice with her Majesty at the time you have spoken of?—Non mi ricordo.

Do you ever remember seeing a gentleman of that name in her Royal Highness's family for any length of time?—Yes; a short young man.

When and where?—At Villa Villani: when we lived at the Villa Villani, at Milan, he was there while we were.

Where did he sleep at Villa Villani?—Non mi ricordo.

Where at the Casa Borromeo?—Non mi ricordo.

Where at Venice?—I don't remember seeing him there at all.

When you went a second time to Genoa, was not the arrangement of the rooms the same as usual with respect to the Princess and Bergami?—The Princess went to Genoa only once; at least, the second time, she went immediately on board the ship.

You have never seen the Villa d'Este since the time you spoke of before, after you came back from the long voyage?—I have not.

Was the disposition of the rooms the same as before with respect to the Queen and Bergami?—It was not.

Was there not a stair-case, or a landing place of a stair-case, on one side of the Princess's room alone?—There is a small corridor.

Is there a sitting-room on the other side, not opposite, but on the other side?—There is a small corridor, upon the left of which is a small door opening into the room of the Princess; this is a door which is generally locked. In the middle of this corridor is a cabinetto; out of the cabinetto there is a door which leads into another room.

Does not that cabinetto communicate on one side with the Princess's room, and on the other with that where Bergami slept?—This room, into which

the door of the cabinetto opens, leads into that where Bergami slept.

Did her Royal Highness ride on horseback on this journey to Egypt?—Yes.

About how many hours was she in this way on horseback?—Non mi ricordo.

Was it four hours?—She mounted in the evening when the sun set, and dismounted in the morning when the sun rose; but I had no watch.

Will you swear she did not frequently ride in this manner for as much as eight hours at a time?—Non mi ricordo.

Was she not extremely fatigued when she dismounted in the morning from these rides?—It was said that she was very tired, and immediately went to rest herself on a Turkish sofa.

Did you not see her supported, from excessive fatigue, the last hour or two of the journey?—Non mi ricordo.

(At this period of the examination her Majesty entered the house, and took her usual seat below her counsel and near the witness. Their lordships rose on her entrance.)

After she dismounted from her horse, the Princess sat upon the sofa because she was tired?—Yes.

Did you not yourself sleep or rest yourself during the day between the inner and the outer of the two tents where her Royal Highness reposed?—Yes, and Carlino.

Was not this the regular place of rest for you and Carlino in the hours of repose?—I slept on one side, and Carlino on the other.

Who was Carlino?—It was said that he was a nephew of Bergami.

One of the servants?—He wore a livery, as I did.

What sort of sofas were put in the tent on this occasion: was not one an iron bedstead and the other a sofa?—First there was a Turkish sofa, and then I placed an iron bedstead there.

I understand that no bedclothes were put upon the sofa?—Not that I recollect.

Was not the sofa put down in the same way as a sofa in a room?—Yes; in the middle of the pavilion there was a pillar, and the sofa was placed close to it.

Was it not in every other respect placed there in the same way as sofas are placed in rooms?—It was a sofa like others.

Was there not a small mattress on

the bed?—Yes, which belonged to the small iron bed.

Was it not cased in leather?—Non mi ricordo.

Was it not your office to put it there?

—My office and Carlino's.

These are the same bedstead and sofa that were on board the polacre?

—There were two bedsteads; one went into a trunk, and the other folded up in a bundle.

But you do not recollect which was used?—The iron bedstead was a little larger.

Was not the sofa used in the tent the same sofa as was on board the polacre?

—Non mi ricordo.

Was it not the same identical sofa; or, if not, was it not so like it that you might mistake the one for the other?—I cannot answer that question.

Was it not the Princess's constant practice, on the voyage, to throw herself down in the middle of the day for repose, without taking off her clothes?—Non mi ricordo: to that I paid no attention.

Will you take upon you to swear that during the whole of that voyage the Princess ever took off one stitch of her clothes?—After her Royal Highness had dismounted from the horse, she undressed herself to rest.

What part of her clothes did she take off for that purpose?—Her upper garment, her gown.

Do you mean to say that her Royal Highness took off her gown, or a surtout or cloak in which she might have been riding?—Questo non mi ricordo.

Was there not a cloak which she used to throw over herself, on dismounting, before she went to rest?—Questo non mi ricordo.

Did she put on a mantle when she mounted to pursue her journey?—Questo non mi ricordo.

Were there sheets and blankets on the sofa in the tent, on which a person could go to bed, taking off his clothes, as in Europe?—I placed the bed and some feather pillows, and then retired.

You did not put any sheets or blankets on it?—Non mi ricordo.

Was it exactly so with the sleeping in the tent on board the polacre?—Non mi ricordo. I know that there were cushions, but I do not know whether the beds were made.

Will you swear you ever saw, either during the land-journey in Palestine, or the voyage by sea home, one stitch

of bed-clothing upon the beds?—Non mi ricordo.

Who, except yourself and Carlino, ever made these beds on land or during the voyage?—Non mi ricordo.

Have you not sworn that it was your duty and Carlino's to make the beds?

—When we arrived I placed the bed in the tent, and then I went out.

You told us who made the beds at night; who removed them in the morning?—Non mi ricordo.

Will you swear it was not yourself?

—Non mi ricordo. In the evening I was ordered to make the bed, and I carried the cushions: in the morning I was called to take away the cushions, for it was not a matrimonial bed—a large bed; but of single cushions.

Did you happen to see William Anstyn rest in the tent in the same way?—

Non mi ricordo.

Do you know where Lieutenant Hannam slept?—Non mi ricordo.

Do you know where the Countess of Oldi slept?—Non mi ricordo.

Can you tell where Cameron slept?—Non mi ricordo.

Where did you sleep yourself?—I sometimes slept on a sofa below.

Where did the maids sleep?—Non mi ricordo.

Where did Lieutenant Flynn, the commander of the vessel—who is, I believe, a master in the navy—sleep?—Non mi ricordo.

Do you recollect such a person being on board, besides Lieutenant Hannam?—Yes; I knew it.

Did you not observe him both by land and by sea? Was he not present at the land-journey as well as the sea voyage?—Non mi ricordo.

Will the witness swear that Lieutenant Flynn was not on the land-journey to Palestine?—I will not.

What age is Lieutenant Flynn; is he about thirty, or above it?—I cannot say.

Is he older or younger, apparently, than Lieutenant Hannam?—About the same age.

Has the witness ever seen him in her Royal Highness's suite except during the voyage to Palestine; except during the long voyage?—Non mi ricordo.

Did you ever see him, in your life, at the Villa d'Este, at Barona, or at any other of the places where her Royal Highness resided?—I cannot recollect whether I have or not, I don't recollect to have seen him at

Este; indeed I do not recollect at all.

When did you see Lieutenant Flynn for the last time? you must know that.—Non mi ricordo.

About what time did you last see him?—I cannot call on myself to state the time particularly. On the return voyage he was on board, and I do not know that I have seen him since.

Were you ever sick during the voyage home from Jaffa, on board the pelacra?—Whenever I am on board a ship, I am more unwell than well.

(Some observations were here made on the exact meaning of the words "*sempre non sano*," as introduced by the witness in his answer, which Mr. Brougham observed must be taken as conveying the idea of "always ill," and not "for the most part," or "almost always," as might be inferred from the translation. It was, however, decided that the answer should remain.)

When you were unwell you went below, did you not, in the course of your voyage?—Sometimes I threw myself on a canvass, sometimes on a sofa; sometimes I went down and threw myself on whatsoever was supplied to me.

Did you not sleep during the voyage below?—Sometimes.

When you were ill on the voyage, did you not sleep below?—I sometimes slept in the hold, in the bottom of the ship. (In profondo.)

Have you not been frequently, during the voyage, for days together, that you never made your appearance above at all?—Sometimes I did not come up. I was sometimes one or two days without coming up.

(The witness immediately corrected this last answer.)

The Interpreter.—The witness said at first, "When I was unwell, sometimes I was a day or two without coming up;" now he says, that sometimes, when he was unwell, he was "all the whole day" without coming up on deck.

Will you swear that you have not been for several days together without coming up?—Sometimes, when sick, I have been below all the day.

Mr. BROUGHAM.—I say several days.—I have sometimes been below all the day.

Will you say that you have never, during the voyage, been kept below by illness for more than two days to-

gether?—I have been an entire day without coming up. I was, at different times, whole days without coming up on account of illness. In the morning I arose, and I kept down below till the evening.

Will you swear that you have not been more than two days together without ever coming up at all?—I have been below one day and one night.

Will the witness take upon him now to swear that he never, during the whole voyage, was more than one day and one night together without coming up on deck?

One of their lordships objected to the periphrastic mode in which the interpreter translated this question.

The Interpreter.—Permit me to say, with humble deference to your lordships, that, in order to make the witness understand me, and to give your lordships satisfaction, I must translate the question in this way. If I were speaking to a man of literary education, I could easily make him understand the question; but with such a *façaron* (a laugh) it is impossible, unless every thing is stated in the plainest manner.

On the motion of the Earl of LIVERPOOL, the other interpreter was called in, and Mr. Brougham's question—"Whether the witness would swear that he never, during the whole voyage, was more than one day and one night together without coming up on deck?"—was repeated by him.

The witness answered in the affirmative.

Does the witness mean to swear that he was never more than twenty-four hours together without coming on deck?—Yes.

Have you never continued below for more than that time—from one morning to another—for more than twenty-four hours following each other?—No.

During the time you were aboard ship did they not keep watch, as is usual, on deck?—Non mi ricordo.

Were you the only person on deck in that part of the ship where her Majesty rested during the night?—I did not sleep on deck.

When you saw a tent put up for her Majesty to sleep in, were you the only person then on deck?—Non mi ricordo.

Were there no sailors on board of this ship?—There were.

Did they never come on deck?—Non mi ricordo.

Did they always remain below in the hold with you?—Non mi ricordo. I believe they did at night.

Do you mean to represent that the ship was left to go alone, during the whole of the night, without sailors on deck?—I cannot tell whether the sailors were in the hold, or upon the deck, when the vessel was sailing in the night.

Did you see the sailors during the day on deck?—In the day-time I believe they were on deck.

About how many sailors were on board this ship?—I do not know.

Were there two or four?—I don't know.

Will you swear there were not 22?—I cannot swear.

About what size was this ship?—I cannot give an account at the present, because I have no knowledge of ship-ping.

So that, whether there were 2 sailors or 22 on board, you don't take on you to swear?—No.

Was there a Captain on board?—Yes, the owner of the ship.

Was there any other officer in the ship?—Non mi ricordo.

Who slept in the place where you used to sleep?—Other persons slept there, but I don't remember who.

Where did the livery-servants of her Majesty sleep?—Non mi ricordo.

Did they sleep on deck?—Non mi ricordo.

Were not you a livery-servant?—Yes.

Where did Bergami sleep?—Non mi ricordo.

How many masts had the vessel?—Three.

Will you swear that it was not a ship of 300 tons burden?—(Cries of "no!" from their lordships, intimated an objection to this question.)—The witness, however, answered; Non mi ricordo.

When her Royal Highness was below, was there not a room before you entered her dining-room?—Non mi ricordo.

Where did her Royal Highness sleep on the voyage out from Augusta to Tunis?—No answer.

When her Royal Highness was on her voyage from Sicily to Tunis, where did she sleep?—No answer.

When going out in the vessel, by sea, from Sicily to Tunis, where did her Royal Highness sleep?—Questo non mi ricordo.

When proceeding to Greece, where

did her Royal Highness sleep on her voyage?—Non mi ricordo.

When going from Catania to Palestine, to the Holy Land, on board the ship, where did her Royal Highness sleep then?—Non mi ricordo.

Where did Bergami sleep on those three voyages, of which you have just spoken?—That I don't know.

Where did you sleep yourself?—Below.

Do you mean in the hold?—Yes.

Were you ever at all in the dining-room of the vessel?—Not when the Princess was there.

Were you ever in the room in which the Princess used to dine, when she was not dining there?—Yes.

How many doors were there in that room?—Non mi ricordo.

Do you not know that two rooms entered into that dining-room?—Non mi ricordo.

Was the bath, when taken, always taken in the dining-room itself?—Not in the dining-room, but in that next to it.

What does the witness mean by the room next the dining-room, when he has said that he knew of no other?—I mean another small room in it.

Does he mean, when you enter from the forepart of the vessel, through which persons get into the dining-room, that that there was another small room branching off from it?—After you entered the dining-room, there was a small room inside, erected for the bath.

[At this time, half-past two o'clock, her Majesty retired from the house to her private apartment: the peers stood up as she left the house.]

The examination was then continued.

How often did you hear that her Royal Highness took the bath during this voyage?—I can swear to two times; she might have taken it four: I can only remember twice.

Was it Bergami's office to prepare the bath for her Royal Highness?—That I don't know; but I believe not.

Whose office was it in her Royal Highness's household?—That I don't know.

Was it the witness's office?—I was ordered to carry the water into the bath.

Did you carry the water into the bath, or only to the door of the dining-room?—I was ordered to make the bath, and I filled the bath with water,

as far as one-half; then I called Bergami, and he went down and put his hand into the bath to try its temperature. He then told me to get ready some more water, to give to him, in case it should be wanted.

When you brought the water to fill the bath half full, and called Bergami to see whether it was the right temperature, was there any other person in the room but Bergami and yourself?—There was no other person.

Did you not then retire, and leave Bergami to see whether the bath was rightly prepared or heated?—After I called Bergami, and Bergami thrust his hand into the bath, I was ordered to go and get ready some more water, that I might give it to him, in case he wanted it.

Was there not another room opening into the dining-room, besides the room in which the bath was? Was there not a second room that opened into it?—Non mi ricordo.

Will you swear there were not two rooms; one belonging to the Princess, and one to the Countess of Oldi?—I cannot remember whether there was another room or not.

But will you swear that Cameron did not sleep in such a room?—Maurice Cameron—I never saw him there.

Did you ever see Maurice Cameron on the voyage at all?—He was on board.

Was he on board, and with her Royal Highness, during the whole of this long voyage?—He was, but I do not remember where he slept.

But you don't swear that he did not sleep in the dining-room?—He did not.

Was he not with her Royal Highness during the whole of the land journey, as well as the sea-voyage?—He was.

Was he not a courier and page?—I remember he was a courier, but I do not know whether he was a page or not.

He was no relation of Bergami, was he?—That I don't know; I cannot know.

You have called Carlino a relation of Bergami, because he was said to be so; was Cameron ever said to be a relation in the same way?—That I never heard.

What maids (female attendants) had her Royal Highness with her on this long voyage? what number?—There was Mademoiselle Dumont, the Countess of Oldi, a brunette, and another.

Where did you last see Dumont?—At Pesaro, when I left the service of her Royal Highness.

Have you never seen her since that time?—Never.

Do you know where she is now?—I do not know.

Does the witness know whether she is dead or alive?—I cannot know that.

Have you never heard of her since you left Pesaro?—Never.

Have you ever heard her talked about since that time?—No.

Have you never heard her name mentioned since?—I never have heard it mentioned.

Have you never heard the name of Sacchini mentioned since that time?—I have heard the name mentioned.

Have you seen him since you were at Milan?—Not since. It is possible I may have spoken to him since; but I do not recollect it.

Who were by at the times when you saw Bergami at breakfast with the Princess? Who saw them at breakfast besides Jeronimus and yourself?—

The SOLICITOR-GENERAL objected that it was not in proof that Jeronimus had seen them.

You saw them at breakfast?—Yes.

Jeronimus was present at that time?—Non mi ricordo.

Was the Countess of Oldi present?—Non mi ricordo.

Was not Jeronimus present at any of the times when you saw the Princess and Bergami at breakfast together?—I do not recollect whether he was present.

Who was by when you saw Bergami salute her Royal Highness on going to do some business for himself in Sicily?—I saw nobody but myself, the Princess, and Bergami.

Who was present besides yourself when Bergami saluted the Princess on landing, on account of the quarantine in Italy?—I saw nobody but myself, the Princess, and Bergami.

Was it not upon the deck of the vessel, after dinner, that this happened?—It was before they went upon deck.

Was it not after dinner?—After dinner.

And where had they dined?—Non mi ricordo.

Was it not in the room in which they had dined that this took place?—It was in the dining-room: the Princess was there, and Bergami came to take leave on departing.

Were you not in the room at the time?—I was.

When her Royal Highness slept in

the tent on deck, did she not burn a light at night?—No.

Have you ever been at Villa d'Este since you quitted the service of the Princess?—Yes, after being at Pesaro I went to Villa d'Este.

Did you go there straight?—Straight forward.

How long did you stay there?—Non mi ricordo.

Was it days or weeks?—Days, but how many precisely—non mi ricordo.

Have you ever been there since that time?—I was there a second time.

How long after the first time?—Non mi ricordo.

Was it months or weeks?—I cannot say, but I do not think more than a month.

Did you ever apply to be taken back into the service of her Royal Highness after you left it?—Non mi ricordo.

Did you ever apply to Count Vassali to be taken back?—Non mi ricordo.

Did you ever apply to Baron Bergami to be taken back?—If I well recollect, never.

Did you ever make application to Luigi Bergami for that purpose?—Non mi ricordo.

Did you ever apply to Mr. Schiavini to make interest for your being taken back?—Once I did.

When was that once?—At the hotel of Italy.

How long after you left Pesaro?—Non mi ricordo.

A week after?—More than a month.

Will you swear it was not more than half a year?—I cannot recollect how many months it was.

Did you ever write a letter to be taken back either to Bartolomeo Bergami or to Schiavini?—Never, because it is my misfortune to know very little of writing.

Did you ever get any body else to write a letter for you for that purpose?—Never, as far as I can recollect.

When you made application to be taken back at the hotel of Italy, were you refused?—Non mi ricordo.

Were you in fact taken back?—No.

Have you ever been taken back in point of fact?—After I left the service of the Princess, I never entered it again.

Was not Schiavini with her during the whole of the voyage to the East?—He was on board the vessel.

Was he not on shore too?—He was also on shore during the whole of the journey.

In the journeys by land which the Princess made, did not Madame Oldi and the child Victorine travel in the same carriage with her Royal Highness?—Questo non mi ricordo.

Was Billy, William Austin, in the same carriage with her?—Questo non mi ricordo.

Whose house did the Princess occupy at Carlsruhe?—I do not know.

Was it an inn or a private house?—I believe an inn.

Was it not an apartment in an inn which the English Minister had given up to accommodate her Royal Highness?—Non mi ricordo.

Were William Austin, Madame Oldi, and Victorine, with her Royal Highness on that journey?—Non mi ricordo.

Will you take upon you to swear that they were not all there with her?—They were on the journey.

Were they not on the journey the whole time?—They were.

Did they not go wherever her Royal Highness went on that occasion?—Yes.

Was it not a journey which her Royal Highness undertook, to pay a visit to her relation, the Grand Duke of Baden?—I recollect that she set out on a journey to Baden.

Did not the Elector wait upon her at Carlsruhe, and did she not go to Court there?—I do not recollect precisely.

Do you mean to say that you do not recollect whether the Princess, while at Baden, did go to Court at all?—Her Royal Highness went to Court.

Did the Grand Duke wait upon her Royal Highness at her hotel?—That I cannot know.

Was the English Minister seen with her Royal Highness at that place?—I do not know.

Do you happen to know the name of the English Minister then at that place?—Non mi ricordo.

You have described a change having been made in the Villa d'Este during the long voyage. Was not a new wing built to it?—Non mi ricordo.

Do you mean to represent to this court that you do not recollect whether a new wing was added during the time you and your mistress were absent?—Non mi ricordo.

Was not a new door made?—Non mi ricordo.

When the sports were performed by Mahomet was not Dr. Holland present with the Princess?—No, I did not see him.

Will you swear that Dr. Holland was not present; and I do not care which way you answer?—No, I did not see him.

Could he have been there without your seeing him?—I did not see him.

The SOLICITOR-GENERAL.—Mr. Brougham forgets that, according to the evidence, Dr. Holland quitted at Venice, and this man came from Jaffa.

Will you swear that Lieutenant Hannan was not present, when Mahomet played off these tricks?—I did not see him: if I had seen him, I would have said it.

Who else was there besides yourself, the performer, and her Royal Highness?—I saw only Bergami, the Princess, and Mahomet, on that occasion.

Whom did they send for Mahomet? Did they send you?—Non mi ricordo.

Were you so placed that her Royal Highness saw you at the time, as well as Mahomet?—I was in such a position, that when Mahomet played his tricks the Princess did not see me, but Mahomet and Bergami did.

Was it in a room?—No, in a court.

Did any windows look into the court?—All the windows of the apartment.

Where were you placed?—I stood near the door that led to the lake.

Were you in the court where Mahomet was?—At the door leading to the lake.

Where was the Princess?—At the window of her bed-room or cabinet; but precisely I do not recollect.

Where was Mahomet?—He was coming out of the door of the stable alone.

Did Mahomet stand in the court to perform these tricks?—Near the window of her Royal Highness.

Was his back turned to you?—I was at his side. Mahomet was looking at her Royal Highness.

Then you were on the same side as the Princess, looking out at the window? (The witness described, by the position of the house, that Mahomet was on one side, the Princess on the other, and he at a door towards the back, in the middle.)

From the position in which you stood on the opposite side of the court you could see her Royal Highness?—I was at the door at the back, and saw the Princess at the window.

Yet you swear that she could not see

you there?—She could see me, but I do not know whether she had seen me.

Who ordered this Mahomet to come and perform these tricks?—I do not know.

Then, for any thing you know, there might be some persons in the same room as her Royal Highness, standing a little way behind her?—I could not see if there were any body within. I saw her Royal Highness put her head out of the window to see the man play those tricks.

Did you never see this Arabian play the same tricks on any other occasion?—Yes, at Barona.

Was her Royal Highness present then?—Yes, with Bergami.

And any body else?—The people of the family.

Men as well as women?—Footmen, coachmen, kitchen people, and scullions, who were there to look at him.

When you left her Royal Highness's service, you say that you first went into the service of the Marquis of Onischaltz?—Yes.

Were you in her Royal Highness's family again when that affair of the Baron Ompteda took place?

The SOLICITOR-GENERAL objected to the terms of the question.

Did you ever see a certain Baron Ompteda?—I do not remember his name.

Did you ever, the year before you went the long voyage, see a German Baron dining with her Royal Highness at Villa d'Este?—In the Casa Villani I saw him: he was a Prussian.

Tell us what his name sounded like as well as you can recollect.—The name I cannot tell precisely, because it was an extraordinary name; but he was called Baron of something.

Whatever his name might be, was he very frequently at her Royal Highness's?—I remember well, so that I can swear that he was twice at the Casa Villani.

What makes you recollect his coming there?—I do not know.

Did any affair happen in the Princess's family which made a noise connected with this Baron?—Non mi ricordo.

During the time you were in the service of her Royal Highness at Villa Villani or at Villa d'Est, do you recollect any blacksmith or locksmith being examined there respecting the picking of locks?—Non mi ricordo.

About making false keys?—Non mi ricordo.

You never heard of such a thing in the family, while you were there?—I do not recollect to have heard it.

Do you remember no quarrel taking place between Lieutenant Hannam and the German Baron, while you were there?—I had heard that they had had a quarrel together, but I do not know the cause.

About what time did you hear this?—Non mi ricordo.

Before or after you came from the long voyage?—Non mi ricordo.

About how long before you left the Princess's service?—Non mi ricordo.

Do you mean to say that you cannot tell whether it was a week or two years?—I do not remember the time.

Do you remember what company used to come to the theatre at Villa d'Este, where the Princess acted twice?—I do not know.

Did you ever see the Prefect of Como, Tomasi and his lady attend that theatre?—Questo non mi ricordo.

Professor Mochetti, of Milan, did you ever see him there?—I saw him there.

Do you mean that you saw him at the Villa visiting, or at the theatre?—I have seen him come to pay visits, but never at the theatre.

Did you ever see General Bognar, the Austrian commandant, with his lady, come there?—I remember well that he came to visit her Royal Highness with a lady; but whether she was his wife or not, I do not know.

Did you ever see General Pino visit the Princess?—I remember seeing him once, but it might be more.

Used you to wait at table at dinner?—Yes.

Will you take upon you to say that you do not know that your old master, General Pino, dined with her Royal Highness more than once?—I only saw him once that I recollect.

Did you know the person of the prefect Tomasi, of Como?—Tomasi I know.

Will you say that you have not seen him and his lady dine more than once with the Princess?—Non mi ricordo.

Do you mean that you never saw them dine there at all, or only once?—I only recollect his dining once; it might be more than once.

Did not the persons who happened to be visiting in the Princess's house

take part indiscriminately in these plays which were acted at her private theatre?—Non mi ricordo.

Did Mr. Hanuam never act?—Non mi ricordo.

Mr. Cavalletti?—Non mi ricordo.

Do you mean to represent that you never saw any other parts performed on that stage excepting by her Royal Highness and Bergami?—I do not know: at the moment I entered I saw her Royal Highness and Bergami: other people I saw not, for I went away.

What sort of a comedy was it they were acting when you saw them?—On entering the room I saw Bergami playing the part of a buffoon, striking a bladder, like a fiddler. Then I went away, and saw nothing else.

Did Mahomet perform his dance on that stage?—I never saw him.

How long were you in the service of the Marquis Onischalti?—Nearly a year.

Always in Italy?—No, in Germany.

How soon after you went to him did you go to Germany?—Two or three months; I cannot say precisely.

How long were you with him at Vienna?—Six or seven months, but I do not recollect precisely.

What wages had you from him?—At Milan I had 50 soldi (25d.) per day: at Vienna, four livres of Milan.

How many soldi are there in a livre of Milan?—Twenty.

At Vienna was this rise of wages in consequence of your living at a hotel?—Because I lived out of the house, and had to pay for my own dinner.

What salary had you from her Royal Highness?—Every three months I received 29 ducats.

How many livres of Milan are there in a ducat?—The ducat contains six and a half Milan livres; but I do not speak precisely.

Had you these 29 ducats every three months, living all the time at the table of her Royal Highness?—Yes.

Had you any perquisites besides?—Non mi ricordo.

Was her Royal Highness kind to all her servants?—She was kind and affable.

At the Marquis Onischalti's, where you had 50 soldi per day, you had to feed yourself?—I was allowed soup.

[The Interpreter explained that the word here used by the witness did not mean pottage, but merely liquid.]

Had you saved money—a little fortune—in the Princess's service?—I put by 700 livres.

How long had you been accumulating it?—Three years.

Did you save any thing out of the 50 soldi per day which the Marquis Onischalti gave you?—By economy I was able to save a little money for my family.

What did your family consist of?—A wife and two daughters.

How old are they?—One nine, and the other between two and three years old.

About what time did you quit the service of the Marquis Onischalti, at Vienna?—About two years ago.

Into whose family did you then go?—The Ambassador's of Vienna.

The English Ambassador?—The English Ambassador gave me something to live upon.

What was his name?—Lord Stewart.

Did you go as postilion, lacquey, or courier, into his service?—Lord Stewart gave me only my living.

Do you mean that you became attached to his embassy as a sort of private secretary, or what?—I was always at the embassy.

Were you in his house on the footing of a private friend?—No, not as a friend.

When did you first see his Excellency, the English Ambassador?—I do not remember; I saw his secretary.

What was the secretary's name?—Mr. Durin.

Was he an Englishman or an Italian?—I cannot tell.

In what language did he talk to you?—In French.

Do you know a certain Colonel Brown?—I do.

What countryman is he?—It is impossible for me to know.

What language did he talk?—French.

Where did you first see him?—At Milan.

Was it while you were in the service of the Marquis Onischalti?—No.

Whose service were you then in?—At that time in the service of no one; I had left the service of the Marquis Onischalti.

Do you mean to say that you left the family of Onischalti for some time at Vienna, and then went to him again?—No; I left Vienna, and went to Milan to Colonel Brown.

Did you go with him, or to him?—To him.

Whom did you go with from Milan to Vienna?—With my father.

At what time was it that you went from Milan to Vienna with the Marquis Onischalti?—On the 13th of August, three years ago.

Do you mean in 1817?—Yes.

At what time did you leave the service of the Princess?—In 1817.

In what month of the year?—Non mi ricordo.

Was it in summer or in winter?—In summer; after summer.

How long after you left her service did you go with the Onischalti family to Vienna?—About five or six months after.

How did you return to Milan from Vienna?—I came to Colonel Brown.

But who accompanied you?—My father.

It was here remarked by a noble lord that 4 o'clock, the hour fixed for adjournment, had arrived.

Mr. BROUGHAM said, May I implore your lordships to allow me to proceed? In all courts—I mean in all courts where justice is administered—I need not have made this humble request; but, acting as a court of justice, I entreat your lordships to beware how you stop short in the middle of a cross-examination. If you are so advised to think fit that I should stop at this critical period of a critical examination, hard as it is, I can only submit. (Cries of "Go on, go on.")

The LORD CHANCELLOR asked whether it would be finished to-day?

Mr. BROUGHAM answered that he could certainly finish it; but that there was this difference between an examination in chief and a cross-examination, that, in the first case, the instructions were written or printed; and, in the last, one unexpected answer (as had actually been the case to-day) might lead to half an hour's digression. ("Go on, go on.")

Was your father in the service of the Marquis Onischalti, at Vienna?—He was not.

Then how came he to come to Vienna?—He came to Vienna to take me.

Who sent him for you?—I cannot tell.

What is your father?—Jean Baptiste Majochi.

What is his business?—A carter or carrier of merchandise, with horses.

Does he carry from Milan to Vienna? Is that the course he takes with his merchandise?—No.

How did this carrier happen to set

out to pay you a visit at Vienna?—He came to Vienna to tell me to come to Milan.

Did he come with his carrier's cart?—No.

At the time your father came to Vienna, were you in the service of the ambassador?—No.

Were you living at the ambassador's house?—No.

Was it during the time you were supported by the ambassador?—No.

In whose service were you?—The Marquis Onischalti's.

When your father took you to Milan, did you then see Colonel Brown or Colonel Durin?—I saw Colonel Durin at Vienna, and Colonel Brown afterwards at Milan.

You had seen Colonel Durin at Vienna while you were with the Marquis Onischalti?—No, after my father had come to fetch me.

What induced you to leave the service of the Marquis Onischalti, whom you liked so well, and go back with this respectable old carter to Milan?—My father told me to go to Milan with him.

Did you go to Milan merely out of respect to the order of your father?—No, he told me that Colonel Brown, at Milan, wanted to speak to me.

Did you not humbly represent that your bread depended upon your place in the family of Onischalti?—Yes.

But still he told you to go and speak to Colonel Brown, and therefore you went to speak to him?—Yes.

Whenever any body tells you to go Colonel Brown because he wanted to speak to you, do you go directly with them?—(Cries of "order" prevented the witness from answering this question.)

Mr. BROUGHAM.—I submit that it is a perfectly legal question, such as is put in every court of justice, and such as has led before now to the discovery of conspiracies against the lives of individuals. Noble lords and judges are now present whom I have seen save the lives of their fellow-subjects by such questions, and so put, and who could not have done it if they had been disturbed by cries of "order."

You went to Colonel Brown directly?—When my father told me so, I went to Colonel Brown directly.

And if your father were to ask you to speak to Colonel Black, would you go also?

The SOLICITOR-GENERAL.—I submit that that is not a proper question: what the witness would do under particular circumstances cannot be asked him. Hypothetical questions are not regular.

Did you ever go before by your father's desire to speak to Colonel Brown or to any body else?—Never: before my father spoke to me, I never went to any place.

Had you ever seen Colonel Brown before you went to speak to him at Milan?—Never.

How did you support yourself on the journey from Vienna to Milan, when you went to speak to Colonel Brown?—My father paid my journey.

Has he made a private fortune by the lucrative trade of a carter or carrier?—He has not.

Has your father any money at all but what he makes from day to day by his trade?—No.

Did you live pretty comfortably on the road from Vienna to Milan to speak with Colonel Brown?—We wanted nothing.

You did not go in your father's cart, I suppose; in what sort of carriage did you go?—In a species of calash.

When you got to Milan, did your father introduce you to this Colonel to whom you had come to speak?—Yes.

Did you complain to Colonel Brown of the less you sustained in giving up a good place or a good master?—*Questio non mi ricordo.*

Had you made any bargain with the Marquis Onischalti to take you back after you came to speak to Colonel Brown?—*Non mi ricordo.*

Have you any doubt, upon your oath, that you had made no such bargain with the Marquis Onischalti?—*Non mi ricordo.*

Have you ever been in his service again since the conversation with Colonel Brown?—Yes.

When did you go back to the Onischalti family?—I was not in his service again; but he was going to Hungary, and he called to know if I would go with him.

Did you go with him as a *partie-de-chasse*, or did you go with him for pleasure?—I was asked by the Marquis if I would go with him into Hungary as his cook for 3 months.

Did you go with him, and receive wages as a cook for 3 months?—He made me a present: I had no wages.

How long did you remain in Hungary?

ry?—Three months, or three months and a half.

Was Onischalti a friend to the English Ambassador at Vienna?—I do not know.

Did you never see him at his house?—I do not know.

How long is it since you came back from that trip to Hungary with the Marquis Onischalti?—Last year, after the month of August or September.

Having no wages, how did you support yourself from the time you left Vienna to the time you came and went to Hungary with Onischalti?—The ambassador gave me something to live on.

Did the ambassador give you any thing when you went to Milan?—Non mi ricordo.

Who paid the expenses?—My father.

Did you go post, or how?—Post.

Both going and coming back?—No.

How did you return from Milan to Vienna?—By a public conveyance.

Who paid?—I and my father.

Who gave you the money to pay?—Colonel Brown.

Did your father go back with you?

—Yes.

Is your father in the country?—He is.

And your wife?—Yes.

And your small family of children?

—No.

In what square or street do you live in London?—I cannot tell the name.

How did you come down here to-day? Did you walk or come in a carriage?—On foot.

About how far was it? Your shoes are quite clean: how many streets did you pass through?—I cannot tell the distance.

How many minutes did it take you to walk from your residence, your house, or hotel, to this place?—Ten minutes.

Who came with you?—I do not know: it was a gentleman who came to call me.

Do your father and wife live in the same hotel with you?—Yes.

And is nobody else in the same hotel?—Yes.

About how many others?—I do not know.

Will you swear there are not 70?—Quanto non mi ricordo.

Are they all Italians?—I do not know: I never asked.

Are there any other Italians there besides yourself, your venerable parent, and your amiable wife?

[The house showing some symptoms of disapprobation at this question, Mr. Brougham repeated it, leaving out the epithets.]

Answer.—I believe so.

Have you any doubt of there being any other Italians besides yourself there?—There are other Italians.

Are there many waiters in this inn?—I do not know the number.

Do you know the sign or name of the hotel?—I do not.

The SOLICITOR-GENERAL complained that Mr. Brougham had assumed that the witness lived at an inn, and founded his question on that assumption.

Is it an inn in which you lodge?—I do not know whether it is an inn.

Is there a sign above the door?—I never made the observation.

Have you ever had any bill brought you to pay?—No (with emphasis.)

Have you ever paid any bill?—No; but I have to pay.

Are you to pay, yourself, for your entertainment at this inn?—I have not been asked, and I do not know whether I have to pay.

But are you to pay for your own keep?—I do not know.

Were you ever in such a place before, where you did not know whether you were to pay for your own keep or not?

Lord FALMOUTH, from the gallery, asked whether the cross-examination was nearly concluded? (Cries of "go on.") Supposing that the business would close to day at 4 o'clock, he had made a private engagement accordingly, though he was quite ready to sit till 6 or 7 o'clock, if necessary.

Lord DONOUGHMORE thought that the rule, if made, ought to be adhered to. Nobody could tell whether the cross-examination might not last 2 hours more. He thought that the witness deserved protection, and that some part of the cross-examination might have been spared. He moved an adjournment.

Earl GREY had seen nothing in the disposition of the house not to give protection to the witness. Very particular questions to elicit the truth had been put, and he thought that no rule could be more injurious than one which forced the house to separate at a critical moment, by which the ends of justice might be defeated. If a rule were made, he hoped it would be extended to 5 o'clock.

Lord FALMOUTH added, that he had not interposed till half-past 4.

The LORD-CHANCELLOR was in favour of adhering to the rule. He had not entered the house this morning till 5 minutes past 10, in consequence of consulting with the judges on a matter of life and death; and their farther deliberation had been postponed until after the adjournment to-day. It was impossible to know what questions might turn out to be material or immaterial. Adjourning at 5 o'clock would gain 6 hours in the week, and that he considered a very material acquisition.

The Earl of LIVERPOOL did not object to 5 o'clock being fixed in future as the hour of adjournment.

The house adjourned at a quarter before 5 o'clock, with the understanding that in future they were to sit till 5.

WEDNESDAY, August 25th.

The Earl of DARLINGTON rose immediately after prayers. Before their lordships proceeded with the examination of the witnesses, he wished to call their attention to a subject connected with the important business before them. In order to assist them in accomplishing the object they all had in view, which was the doing of ample justice; it was necessary they should have the means of forming a correct judgment on the evidence. It was therefore desirable that their lordships should have before them printed copies of the evidence taken from day to day. However difficult it might be to obtain this evidence, he thought it indispensable; for it might be necessary for their lordships to ask questions on many points, and he believed few possessed memories capable of retaining the great mass of evidence detailed before them for a length of time. For his part, he declared that he felt himself totally unable to keep the evidence in his mind so as to avail himself, after a considerable period, of it by recollection. The evidence given by the witness in support of the bill, on the first day, had made, he confessed, a very strong impression on his mind, but the cross-examination which took place yesterday had, on the contrary, tended very much to diminish that impression. [Here was a loud cry of order! order! from part of the house.] He wished their lordships to understand that he made this observation by way of illustration, to show the necessity of their

having the evidence printed from day to day, and laid before them. After the counsel on each side had examined a witness, certain noble lords might wish still further to complete that examination by questions of their own. This could not be well done, unless they had before them, every morning the evidence of the preceding day. It would probably be stated, that it would be difficult to get the evidence printed in this way: but this objection, he thought, could scarcely be made, when their lordships saw what was done by the newspapers. Very much to his astonishment, he had seen both yesterday and to-day the whole of the evidence of the preceding day published at length. He could not be certain that the evidence was always thus given without the alteration of a single word; and it might be said that their lordships ought to have a vouched copy: but as so much was done in the newspapers, he thought there could be no difficulty in getting it detailed in the same manner for the use of the house. He would therefore move, that minutes of the evidence be printed for their lordships from day to day.

The Earl of LAUDERDALE suggested the propriety of their lordships having before them plans of the places alluded to in the evidence. It would facilitate the investigation very much if the different parties would agree on a plan; or, if that could not be done, each might give in a plan.

Lord ERSKINE said a few words, and, as we understood, approved of each party giving in a plan.

The LORD-CHANCELLOR said, that, however desirable it would be for their lordships to have on the table, every morning, printed copies of the proceedings of the preceding day, it would be necessary, before their lordships came to any resolution on the subject, to consider what steps must be taken for accomplishing such a purpose. Unless they departed from their rule, that whatever was printed for the use of the house must be held to be correct on the responsibility of the clerks, he did not see how the printing could take place. With respect to the publications to which the noble lord had referred, it was easy to understand how persons who might obtain admission there could, by retiring every quarter of an hour, or every half-hour, in succession, be enabled to give an account of the proceedings. But if

that method were taken for the house, the shorthand notes of the reporters must be compared with the notes of the clerk, and the copy authenticated by him as correct. After all the experience he had had in matters of this kind, he doubted whether any utility which might be obtained from having the minutes printed from day to day would be a compensation for the departure from their lordships' rule.

The EARL of LIVERPOOL agreed with the Lord Chancellor, that the advantage of receiving minutes of evidence daily would not be equal to that of the certainty of having it accurately printed.

The Earl of LAUDERDALE said that the form of authenticating the copy at the Parliament-office might be dispensed with.

The Earl of DARLINGTON then withdrew his motion.

The House being called over Council were introduced.

GROSS EXAMINATION OF THEODORE MAJOCHI (Continued.)

Do you recollect a German Baron visiting the Queen at Naples?—Non mi ricordo.

Do you recollect a German Baron visiting the Queen at Genoa while she was on her way from Naples to Milan?—Non mi ricordo.

Did any German Baron visit the Princess at Villa Villani, at any time during her residence there?—I recollect a Baron came, but I thought he was a Russian.

Do you recollect whether he was the same person spoken of yesterday? No.

Was his name Omteda or Ompteda, or something like that?—Questo non mi ricordo.

Was it Rampdor?—Non mi ricordo. Do you recollect this Baron, by whatever name he might be called, sleeping more than once at Villa Villani?—Once I remember, not more.

Had he not a servant who used to live with the other servants of the house?—I recollect that he had a servant, but whether he lived with the other servants or not, I do not remember.

Was there not a room called the Baron's, giving it his extravagant name, whatever that was?—Questo non mi ricordo.

Do you recollect a thunder-storm occurring on the lake at Como, by which the company were all wet?—Questo non mi ricordo.

You have said that in the house at Naples all the rest of the family, except Bergami, slept in another part of the house than that in which the Princess slept?—Non mi ricordo whether the other part of the family lived apart.

Do you now mean to say that the rest of the family, Bergami excepted, did not sleep in a separate part of the house from the Princess?—I remember the position of the beds of her Royal Highness and Bergami, but not the rest of the family.

Then you do not recollect, and will not now swear, that the rest of the family did sleep apart from the Princess?—Questo non mi ricordo. I remember well where Bergami and her Royal Highness slept, but as to the rest of the family I do not remember.

In the answer you gave the day before yesterday to the question whether the bedrooms of the other people of the Princess's suite were not distant from those of the Princess and Bergami, did you or did you not say that they were separate and at a distance?—The witness hesitated, and when the question had been repeated to him several times, he said he remembered only the position of the beds of her Royal Highness and Bergami.

Was not this question put to you the day before yesterday?—Did the other part of the Princess's family sleep in the same part of the house at Naples that she and Bergami slept in, or at a distance?—It is true, that question was put.

Did you not answer that question by saying they were separated?—I said they were separated, but I meant they were so situated as not to communicate together.

Did you mean thereby that there was no way for a person to pass from the room of her Royal Highness to the rooms of the rest of her suite, without going through Bergami's?

This question was followed by some discussion between the Council.

The SOLICITOR GENERAL said the first answer given by witness was, that the rooms were separate.

Mr. BROUGHAM knew that perfectly well, and he had so stated it. His learned friend seemed to triumph in a mare's nest which he thought he had found.

After some further observations, in the course of which Mr. Brougham

read the answer which had been given by the witness.

The LORD CHANCELLOR said that the proper way was not to tell the witness what answer had been given, but to put a question upon it.

Mr. BROUGHAM said he had put the question in that way. He had stated that the word interpreted was "separated;" but he had five or six witnesses whom he could call, if necessary, to prove that Majocchi did not say "*separato*," but "*lontano*," which means at a distance. He was, however, perfectly satisfied to take "*separato*."

The SOLICITOR-GENERAL objected to this course, as an interpreter had been sworn, and given his interpretation. If his learned friend had wished to take any objection to the translation he apprehended he was bound to do so at the time, and before that translation was recorded. His learned friend was not warranted in making it the subject of observation now.

Lord REDESDALE thought that some difficulty arose from the interpreter finding it necessary to repeat Mr. Brougham's questions in various ways to the witness, and suggested that the question, as taken down by the shorthand writer, should be read to the witness, and that the interpreter should then translate his answer literally.

Here Mr. GURNEY read from his notes the question put the day before yesterday, respecting the situation of the bed-rooms at Naples.

Mr. BROUGHAM.—Do you mean to repeat that there was no way of going from the Princess's room to the rooms of the rest of the suite, except through Bergami's?—What I remember is, that there was a way to Bergami's room: I have seen no other passage.

Do you mean to say that there was not any other way of going from her Royal Highness's apartment to the rooms of the rest of the family?—I have seen no other passage.

No other passage than what?—I have not seen any other passage except that which went to Bergami's room.

Do you know where the rest of the family slept?—Non mi ricordo.

Will you swear that the rooms of Jeronimus, William Austin, and Dr. Holland, were not close to that of her Royal Highness?—Questo non mi ricordo.

When you went from Vienna to Milan with your father, where did you lodge at Milan?—At home: at my own house.

How did you support yourself?—On my own money.

How long did your money last?—Non mi ricordo.

Did any body give you money?—Questo non mi ricordo.

Did any body give you money at Milan?—When I left Vienna I received money; at Milan none: for I must speak clear.

Did any body give you money at Milan?—Ricordo di no, was the witness's answer.

MR. BROUGHAM said, that, in fairness to the witness, this answer must not be taken in the sense of his non mi ricordo; it meant, literally, I recollect not—by which he meant to say that nobody did give him money at Milan.

How long did you remain at Milan?—I do not recollect precisely; between 18 and 20 days.

When you returned to Vienna, did you not pay the Vetturino yourself?—Yes, I did pay him myself.

Who gave you the money at Vienna?—Colonel Brown.

Who gave you money at Vienna to go to Milan?—My father paid for my journey. Any thing I do not recollect but that my father paid for me.

Who gave you money before you set out for Milan?

The SOLICITOR-GENERAL objected to this question. His learned friend assumed that some person had given the witness money.

Mr. BROUGHAM observed, that it appeared from his former examination, he had received money, and referred to the notes.

Mr. GURNEY read the questions and answers, in which it was admitted by the witness that he had received money at Vienna.

Who gave you the money at Vienna when you left that city for Milan?—For the journey my father paid. Nobody gave me money. My father paid, and I remember no one gave me money.

At Milan did nobody give you money?—Nobody gave me money when I arrived at Milan.

While you remained at Milan did nobody give you money?—Ricordo di no,—mi ricordo che non,—non so!

piu ne que non mi ricordo. I remember that there did not. I don't know.—Rather no than yes.—I don't remember.

The Earl of ROSEBERRY said that it was most essential that the house should understand what the meaning of *ricordo di no* was; whether it was that the witness did not remember a certain event, or that he remembered that no such thing occurred.

Lord LONGFORD begged that the last answer given by the witness should be repeated to him by the interpreter, from the short hand writer's notes.

The Marquis of LANSDOWN thought the better course would be for their lordships to leave the questions as they stood upon the cross-examination; and afterwards when the regular time came for their scrutiny, to put such questions as they pleased.

The LORD-CHANCELLOR said, the usual practice was, for the counsel in support of a measure to examine first, then the counsel at the other side to cross-examine; the former again to re-examine, and finally their lordships.

Lord LONGFORD explained that the only reason he wished the answer read to the witness was, to apprise him of what he had stated, and see whether he understood his expression accurately. The witness was, of course, the only person present who knew nothing of the particulars of whatever discussion took place among their lordships, in a language which he did not understand.

Mr. BROUGHAM stated, that he and the learned counsel who acted with him were most anxious to attend scrupulously to the rules and practice as laid down and acted upon in courts of law. These rules and practices had been with his usual accuracy laid down by the Lord-Chancellor: and he hoped he might be permitted to implore their lordships to suffer the expressions used by the witness to stand as they were disclosed upon the cross-examination. When the counsel at both sides were done, it would, of course, be open to them to elicit any explanation they thought proper.

[Cries of "Go on."]

The LORD-CHANCELLOR.—Mr. Brougham proceed with your cross-examination.

Mr. BROUGHAM.—My lords, I have done with the witness. I have no further questions to ask him. In a

common case I should certainly be satisfied with this examination. In this case I have certainly no reason to ask him a single question further.

The SOLICITOR-GENERAL then commenced the re-examination of the witness.

Will you ask the witness whether his father conducted him from Germany to Milan, for the purpose of being examined touching the affairs of the Queen?

Mr. BROUGHAM.—I object to that mode of putting the question. Why not ask him what brought him to Milan?

The SOLICITOR-GENERAL.—Did your father tell you, on the way from Germany to Milan, the object of your journey?—Yes.

Had you any other business at Milan but that which he mentioned to you?—No.

After being at Milan from Germany, where did you go?—To Vienna.

Did you receive any money before you undertook your first journey to Milan?—I did before I set out.

For what purpose did you receive that money?—To travel.

(Several lords here said, "His words are to journey."—The interpreter observed, "To journey or to travel.")

Did you receive any other money before that for your journey?—*Non mi ricordo.*

What do you mean now, when you say *non mi ricordo*?—I don't remember. (This question was put by the desire of several noble lords.)

When I say *non mi ricordo*, now I mean I have it not in my head to have received such money, for if I had, I could say "Yes;" but I do not recollect it now.

Lord GRENVILLE suggested that the interpreters should correct each other.

The Earl of LAUDERDALE said, that the interpreter for the Queen ought to be apprized to correct the translation of the other interpreter.

The LORD-CHANCELLOR.—Let her Majesty's interpreter, whenever he differs respecting the translation of an answer given by the witness, state that difference at the time, and before the answer is admitted.

The SOLICITOR-GENERAL.—The witness has told us that he was at Vienna, after being at Milan. Who sent him there?—Colonel Brown.

Who sent you to London?—I cannot say, for a person came to tell me I was to come here; and I came.

Did that person come with you?—That person brought me to London.

After you arrived here, were you sent any where else?—Yes, over to Holland.

Did that same person accompany you to Holland?—Yes, I went over with him.

Did you remain in Holland with the other witnesses?—I did.

At this time, half-past 11 o'clock, her Majesty attended by Lady Ann Hamilton, entered the house, and took her usual seat in front of the bar. The peers rose from their seats as her Majesty approached her, and the Queen made her obeisance in return for this mark of respect. Her Majesty looked remarkably well, and surveyed the witness with attention.

Mr. BROUGHAM submitted to his learned friend, whether any thing in his cross-examination justified this close re-examination respecting where the witness was in Holland, how he came from thence to England, and who accompanied him.

The SOLICITOR-GENERAL repeated, that the object of his learned friend's cross-examination was with the palpable view of discrediting the conduct of the witness. He thought he had, therefore, a right to examine the witness so as to place his conduct in a clear point of view. He was justified in taking this course, both on the rules of law and of common sense, and had a right to follow the witness in his journeys backwards and forwards up to the moment he found him here.

The LORD-CHANCELLOR was of opinion the Solicitor-General had a right to pursue his re-examination.

Mr. BROUGHAM said, that he had objected more on account of regularity than upon any importance which he attached to the mode of re-examination about to be pursued by his learned friend. He again said he had not put a single question to this witness respecting his journeys, save the journey from Vienna to Milan and back again. He had said not one word about his going to or coming from Holland. He certainly had examined him touching what happened in London. If it were in this way open to a counsel, merely because one ques-

tion was asked respecting a part of a witness's journey, to go through the whole of that journey in a re-examination, then there would be no end to a waste of time—the whole of a witness's birth, parentage, and character.

After a few words from the Earl of LIVERPOOL, which were not distinctly heard below the bar,

The LORD-CHANCELLOR said, that whatever difference there might or might not be on the rules of evidence in the courts below, or the forms of parliamentary proceedings, certainly the person who had the honour of now addressing their lordships was strongly influenced by his judgment to say, that the nearer their lordships followed the rules adopted by the courts below, the better. When he conjured them, therefore, to adhere to the rules of the courts below, he was ready upon his solemn honour to give his opinion—an opinion which, he believed, had the concurrence of the judges near him—that this inquiry of the Solicitor-General ought to go on.

The SOLICITOR-GENERAL resumed.—Did you return with the same persons with whom you went out to Holland?—No.

How then?—Some of those I went out with remained in Holland. They did not all come back with me.

Did you come in a vessel up to London?—Yes.

Did you land with the same person who carried you out in the neighbourhood of this place?—Yes.

Did you remain in that same place until you were brought where you now stand?—Yes.

Do the other witnesses remain in that place, and dine together?—Yes.

On board the polacre, when the tent was raised, were the females Brunet and Dumont on board?—Non mi ricordo. (I don't remember.)

Do you know the females I allude to?—Yes.

Do you know Dumont?—Yes.

Was she in that voyage?—Yes.

Did you see her from time to time?—Yes.

Was the sleeping-place of the women below the deck?

Mr. BROUGHAM objected to this question, and said it would be more regular to ask where the sleeping-place of the females was.

The SOLICITOR-GENERAL.—

Was the sleeping-place of the females above or below deck?

The LORD CHANCELLOR.—It would be extremely desirable if gentlemen at both sides would put their questions more in the form of interrogatories than otherwise.

Mr. BROUGHAM said he was always anxious to shape his questions in that form; it was evident that he could not always do so in a cross-examination.

The SOLICITOR-GENERAL.—Was Mademoiselle Brunet there with you during the whole of the voyage?—Yes.

You have told us of a corridor at the Villa d'Este, after your return from the Grecian voyage, next the Princess's apartment; was the door at the end of that apartment?—Yes.

When that door was shut, was there any other way of going to the Princess apartment?

The witness not appearing at first to comprehend the question, it was repeated to him in this form:—

When that door was shut, did it prevent any body going from the bed-room of Bergami to that of her Royal Highness?—When that door was shut, as far as I can recollect, there was another passage from Bergami's room to that of her Royal Highness.

With respect to the bed-room occupied by Bergami at Naples, he has told us there was a cabinet in which he slept himself. Was there any door opening between Bergami's and the Queen's apartments, except that in the cabinet?—There was another door communicating with the cabinet.

The witness then further explained—that as you enter the room of Bergami you turn round on your left first, and then cross the room in which her Royal Highness dined; on the left of that there was a door to Bergami's apartment.

Was it near the dining-room in which the Princess and her suite dined?—Yes, there was a small door there.

How long did you remain in the service of the Princess?—Three years.

Were you dismissed her Royal Highness's service, or did you go away of your own accord?—I first asked for my dismissal at Rome; then I applied to Bergami twice for it at Pesaro. Bergami did not grant it to me until the second time.

When you left the Princess's service,

did you receive any form of discharge or certificate of good conduct, from her Royal Highness?—Yes; I have it; not in her Royal Highness's hand-writing, but with her seal. Schiavini wrote the paper.

Have you it about you?—Yes; here it is.

The witness put his hand in his pocket, took out some papers, and opened one, which was of the size of an ordinary sheet of paper; a small red seal was attached to it. He then repeated "here it is," holding it up at arms' length, and moving it round so as to exhibit it to the whole house.

The SOLICITOR-GENERAL was in the act of handing the paper to the interpreter, whom he desired to translate it, when

The Marquis of BUCKINGHAM rose, and said, that it would be quite impossible for their lordships to understand the nature of the evidence already given, with accuracy, unless they were furnished by the counsel at both sides with some plan or plans of the apartments to which the evidence referred. (Hear, hear.)

The LORD CHANCELLOR.—The better way would be for the counsel at each side to agree upon one plan for the information of your lordships. And if they do concur in delivering in such a plan, let it have no denomination of rooms; but let the apartments be marked 1, 2, 3, or 4: let there be no other exhibition of particular description except what is furnished by evidence. The plan should be produced to-morrow morning.

The Earl of LIVERPOOL thought the sooner it was produced the better.

The SOLICITOR-GENERAL said that he had a plan of the principal rooms ready, but it was open to the Lord Chancellor's exhibition as to the description of the apartments. One, merely numerically described, could however be put in to-morrow morning, which he had every reason to believe would be found properly accurate.

Mr. BROUGHAM said that he felt great difficulty indeed in acceding to the production of a plan in this stage of the proceeding. When their lordships recollected that these plans must necessarily embrace descriptions of ships, palaces, houses, inns, and other places, in so many countries and parts of Europe, they must at once be struck

with the difficulty of compliance. The plans, even with the numerical arrangement, might lead to serious injustice. He must, indeed, be an uncommon framer of a plan, who could so arrange it as that it would not at once furnish the witnesses with the relative position of all the rooms they had to describe, and at once enable them to reconcile their evidence to the actual description. He begged to apprise their lordships that he meant to regulate his evidence principally, or at least a great deal, upon the description of the houses given by the witnesses at the other side. Now, how could he do this with effect, if he were obliged now, at the outset, to produce a full plan? The publication of the evidence, morning after morning, was not calculated to promote the justice of the case; but from the circumstance of so many of the witnesses being foreigners, the language of that publication was not understood by them, and consequently full information of what was passing was not received in such a quarter. But much more information would be given by a plan. Any man, whether he understood English or not, if he had eyes, must understand a plan. While the publication went on, and the language was not understood, the witnesses were nothing the wiser, but a plan at once put them in possession of all. There was an end at once then to "*non mi ricordo*," (a laugh); that vanished at once, and the tutelary saint of the plan settled every thing. If the plan were indeed ordered to be drawn up from the description of the evidence as already given before their lordships, then he could have no objection to such an arrangement; but he could never consent to the universal circulation of such a plan as that called for in the present stage of their proceedings.

The LORD-CHANCELLOR.—No plan can be delivered in until it is proved to be accurately correct. Their lordships had a right to the production of such evidence as they may require for the elucidation of the cases. The better way would certainly be for the counsel at both sides to agree to a plan. If this convenience cannot be accomplished, then the Solicitor-General can put in his plan and prove its accuracy. That some correct plan should be produced is, I think, actually necessary at both sides for the justice of the case.

The SOLICITOR-GENERAL promised to produce one to-morrow morning, and was then proceeding to call upon the interpreter to translate the paper which the witness displayed in his hand, when

Mr. BROUGHAM again interposed and said, that he saw no reason why this paper should be produced in evidence. He had never said that the witness was dismissed from the Princess. He had never impeached his competency to fill his place as a servant. He was indeed ready to admit that he was kept because he was found to be a good travelling servant. Let him have this character up to the latest moment he was in the Princess's service.

The SOLICITOR GENERAL was of opinion, that so far from his learned friend having made any such admission before, the whole object of his cross-examination had been to cast imputation upon the witness's character as a servant. Did he not begin by impeaching the manner in which he left the service of General Pino, about some horse? Did he not afterwards attempt to stigmatize him as one of a gang of some persons who had clandestinely got into the house? And did he not afterwards, for the purpose of creating an unfavorable impression against him, attempt to show that he had applied for permission to return to his place, but was not admitted? Independent of these three facts, the whole course of his cross-examination had the same tendency. It was therefore but justice to the witness to have his general character set right. He therefore, in furtherance of that purpose, now offered the evidence of one of the parties interested in this case, to show in what light the witness's character was held by that party.

Mr. BROUGHAM repeated, that he had never impeached the witness's general character as a servant, nor had he ever denied that he had voluntarily left the service of the Princess. The first observation he had made referred merely to the witness's leaving General Pino. If his learned friend confined his re-examination to setting that point right, then all was well. He never said that the Princess had dismissed the witness. Besides, this paper was not in the hand-writing of her Royal Highness. The witness himself said it was written by Schiavini.

The SOLICITOR-GENERAL ob-

served he was the major-domo of the household.

Mr. BROUGHAM.—But it does not follow that all he writes is, therefore true. There is no evidence yet to give him this authentic power of acting for her Royal Highness. As to the seal, the Princess's seal might have laid on the dressing-room or dining-room table, and been affixed by any body to any instrument. How did that prove it the act of her Royal Highness?

The LORD-CHANCELLOR said there were two questions involved in the point at issue. The first is, whether this is the act of the illustrious person whose name has been mentioned? The other question is, whether, if the paper be authentic, it is legally admissible as evidence before your lordships? On the latter point, he was of opinion, no doubt could be entertained. But, even before that doubt could be entertained, the person whose seal is attached to the paper must be proved to be present, or consenting to the application of the seal to the instrument.

The SOLICITOR-GENERAL.—Do you remember Schiavini?—I do.

What was his situation in the Princess's household?—He was equerry or mareschal.

What influence had he over the servants?—He had a principal command.

Had he the general management of the servants?—He had a command.

Where was her Royal Highness when Schiavini gave you that paper?

Mr. BROUGHAM repeated his objection to questions being put upon this paper until it was capable of being put in evidence. Let it first be brought home to her Royal Highness.

The LORD-CHANCELLOR.—If the paper can be proved to have been framed and delivered in the presence of her Royal Highness, then prove that fact, and let it be given in as evidence.

The witness replied:—I don't know; it was impossible for me to know which of the two commanded. There was Bergami, he commanded; there was Schiavini, he commanded; both Schiavini and Bergami came and commanded. It is impossible for me to know which was the superior; they both came.

My question is this, who was, at that time, the immediate superior of

the servants of the house; I mean, at the time you left that service?—Non mi ricordo.

I wish to know whether you applied to Schiavini to obtain this paper?

Mr. BROUGHAM objected to this question. He contended it was not allowable, the paper itself not being evidence.

The LORD-CHANCELLOR remarked, that what was wanted was an answer almost to his (Mr. Brougham's) own question; fifty applications had been made for this purpose, and they were all equally ineffectual.

The SOLICITOR-GENERAL.—I am afraid, my lord, that I cannot show that this was done by the immediate authority of her Royal Highness.

The LORD-CHANCELLOR.—It would lead to nothing unless it could be shown that the same individual had the same authority with all the other servants.

The SOLICITOR-GENERAL.—At present, my lord, I will not tender this question to the witness. I have no further questions to put to him.

EXAMINATION BY THE LORDS.

The LORD CHANCELLOR.—Has any noble Lord any question to ask of the witness at the bar?

A Noble LORD then said, You have stated that upon the voyage from Jaffa to Terracina there were tents erected upon the deck of the Polacre; what sort of weather was it?—Non mi ricordo. (A laugh.)

LORD ELLENBOROUGH.—How was her Royal Highness dressed when she passed through the cabinetto into Bergami's room at Naples?—Non mi ricordo.

EARL GREY.—Did you see her distinctly on that occasion?—Yes.

Does not the witness know how she was dressed?—Non mi ricordo.

Was witness himself in bed?—Yes.

I understood witness to say, that her Royal Highness went through the cabinetto where he was?—Yes.

Did he pretend to be asleep?—As I sleep now. (A laugh.)

My question distinctly was, Did he pretend to be asleep?—Yes, I did pretend to be so; I shut my eyes.

Could you see in that situation?—No one can see if he shuts his eyes.

Did you shut them just enough to make her Royal Highness think you were asleep, but not enough to prevent your seeing?—Yes, I did so.

You stated that you left General Pino's service during the blockade of Mantua?—Not after the blockade, but before the closing or shutting up of the gates of Mantua.

Did you leave General Pino's service voluntarily, or were you dismissed?—I remember to have asked my dismissal from the Adjutant Lunardi; and he told me he would not grant my discharge until General Pino should have returned from Milan.

What did the witness do during this interval until General Pino had returned?—I continued to remain in service.

Did you remain there until the return of General Pino?—Yes.

Upon his return did General Pino give you your dismissal?—The Adjutant came and told me, you are now at liberty.

Did you get a certificate of service from General Pino?—No, because I really did not wish for it.

Where did you go immediately from the service of General Pino?—To Milan to my family.

How long did you stay at Milan?—I do not remember what time.

Did you remain out of service while you were at Milan?—Out of service.

How were you employed during that time?—I got some money by buying and selling horses.

When did you leave Milan?—Non mi ricordo.

Where did you go to from Milan?—To Vienna, during the time of the Congress.

How did you go to Vienna?—I had a horse; I bought my own; and I, with two of my companions, put some money together, and we bought a *carretta*, (a species of small cart) in which we all travelled together.

What was your object in going to Vienna?—To see where I could find some place to get some bread; some subsistence.

(Here Lord ERSKINE rose to make some observations, but they were wholly inaudible, from the low tone of voice in which his lordship spoke, below the bar. The Lord-Chancellor desired the short-hand writer to refer to his notes, from which he read an extract relative to the voyage from Jaffa to Terracina.)

A Peer from the gallery, on the ministerial side, observed, that the three voyages to which the noble lord (Erskine) had alluded did not include that from Jaffa to Terracina; but were

these, as he understood them—the voyage from Augusta to Tunis; that from Tunis to Constantinople; and that from Constantinople to Palestine.

Examined by Lord DARNLEY.—You have stated that Bergami was in the habit of dining with her Royal Highness at Genoa. Did he, ever after, while you continued to reside there, continue to dine with her?—Always, as far as I recollect.

You have also stated, that Lady Charlotte Campbell joined her Royal Highness at Genoa, and remained with her some time after her arrival at Milan. I wish to ask, if it ever happened that Lady Charlotte Campbell dined at the same table with Bergami? *Non mi ricordo.*

The Marquis of BUCKINGHAM.—The witness has stated that on board the polacre, in which her Royal Highness sailed from Jaffa to Terracina, there was a cabinetto, in which there was a bath?—I did.

Did the witness see Bergami and the Princess enter the cabinetto together, in which the bath was prepared?—Yes.

Witness has stated that he handed buckets or pails of water for the bath, and that Bergami received them?—I carried two pails of water to the door of the bath, and Bergami came out and took one of them. Whether it was the hot or the cold water, I don't know.

Did you see the Princess, when Bergami took the pails from you?—No, because she was within. At the same time I did not see her.

I wish to know whether there was a cabinetto within the dining-room, besides that which was provided for the bath?—I do not remember whether there was another cabinetto or no.

Let the evidence be referred to upon the notes of the short-hand writer, in order to see whether witness did not say that there was another cabinetto.

(The LORD-CHANCELLOR directed the short-hand writer to refer to that part of his notes containing the evidence which the reader will find in yesterday's proceedings in the Lords.)

Was there another small room within the dining-room besides that destined for the bath?—*Non mi ricordo.*

When you observed the Princess and Bergami to go into the place destined for the bath, did you see the Countess of Oldi?—I did not see her.

Did you see any of the female attend-

sits of the Princess?—I did not see any of them.

Did you see any of the female attendants of the Princess above, upon the deck, when you were dismissed from below?—I did not see any of them.

The Earl of CARNARVON.—I wish the witness to say whether the tent on board the polacre was a double one or no?—I do not remember whether there were one or two; but I know well that in that tent her Royal Highness was.

Did this tent cover the whole deck, or was there room to pass upon the side of it?—There was room for people to pass.

Do you know whether any persons slept in that place?—I do not remember; I have not seen any persons.

Marquis of BUCKINGHAM.—At what time of day was this bath taken which was prepared by Bergami on board the polacre, before or after dinner?—About noon; some time before noon.

Was he dressed or undressed when he received the buckets of water from you, at the door?—He was dressed.

Viscount FALMOUTH.—At Villa Villani, the witness states he remembers the Princess to have given a blue silk gown to Bergami. I wish him to be asked how he knows that the Princess gave Bergami that blue silk gown?—Because I saw it afterwards upon the back of Bergami. (A laugh.)

That is no answer to my question. It is, "Does the witness remember a blue silk gown which he states the Princess to have given to Bergami?"—The answer is "Yes:" which implies, of course, that he does remember her Royal Highness's giving it. I wish to learn how he knows that she did give that gown to Bergami?—Because Bergami told me that her Royal Highness had given him that dress. Bergami himself told me.

The Earl of OXFORD.—Witness has said that he saw Bergami and the Princess in the cabinetto on board the polacre. When there, did he see them in that cabinetto?—When the bath was ready, he went up stairs: he took her Royal Highness, and brought her down into the room, and shut the door.

Lord DUNCAN.—When the witness is asked whether her Royal Highness was positively in the bath or not, he says he does not know: when he is asked whether any other persons were there besides herself and Bergami, he

says there were not. (Cries of "No, no.") At any rate he says he did not see her there. I wish to ask him this question: he swears; then, that none of her female attendants were at that moment in the bath-room with her Royal Highness?—This I can swear: that I saw none of them in the bath-room with her Royal Highness.

Was it to the door of the cabinetto, or to the door at the outside of the apartment, that he took the water? Let the witness swear which—whether to the outside door, or to the door of the inner room?—I was at the door when Bergami went up stairs to tell her Royal Highness that the bath was ready; when he came down, Bergami told me, "be at the door; for, if there be any need of water, you shall give it me."

At which door? Whether at the outer or inner door?—At the inner door of the bath—the inner bath.

Earl GREY.—Could the witness, from the position in which he stood, see every body that was in the bath-room?—When it was open, I could; when it was shut, I could not.

Will he swear that there was nobody in that room but the Princess and Bergami?—I can swear, and do swear, that no other persons but Bergami and her Royal Highness came into that room, because I put myself at the door.

That is no answer to my question. [The question and answer were here read again.] Does the witness mean to say that nobody else entered there; because there is a material difference between the two. Does he mean that there was nobody else in the room, or that nobody else could be in the room without his seeing them?—I saw no other persons but her Royal Highness and Bergami.

That is still no distinct answer, Was it possible for any other person to be in that room without your seeing him?—No, that could not be; for, if there had been another person there, I must have seen that person.

Lord AUCKLAND.—Did the witness remain in the outer room during the time that the Princess and Bergami were in the inner one?—I remained at the door all that time.

The LORD-CHANCELLOR.—The witness yesterday stated, on being asked where the bath was prepared, that he prepared it in the cabin of her Royal Highness. He was then asked

Who assisted her to the bath. He says, that he first carried the water into the bath, and then called Bergami, who came down and put his hand into the bath to try the temperature of the water; that Bergami then went up stairs and conducted her Royal Highness down, after which the door was shut; and then Bergami and her Royal Highness remained alone in the cabinetto together. Now I wish him to be asked, whether he was in the cabin while Bergami went up to bring her Royal Highness down? and, while he was so in the cabin, at the time the door was shut, any one entered the cabinetto but her Royal Highness and Bergami.

[The interpreter here translated to the witness, from the short-hand writer's notes, the part of his evidence referred to, together with his lordship's questions; but it seemed impossible to render himself intelligible to the witness. The interpreter requested to be allowed to divide the question into three parts; and having been re-stated by his lordship, he said]—There was nobody: I saw nobody.

Earl GROSVENOR.—Was there any other door by which persons could go into the room where this bath was put?—I have not seen any other door.

Was there, or was there not, any other door?—I never saw that there was any other door.

Will you swear that there was no other?—I have not seen one: I will swear that there was only one, because I must have seen it if there was any other.

The LORD CHANCELLOR.—If there had been another door opening into the room where the bath was prepared, must you not have seen it?—I must have seen it if there had been another door; but I have not seen another there.

Lord AUCKLAND.—Have you seen Bergami and the Princess quit the bath?—No, but I have seen Bergami come out of the room and mount the deck, and tell her woman to come down and dress her Royal Highness. And I have with my own ears heard him say, "Mademoiselle Dumont, come down and dress her Royal Highness.

Leaving her Royal Highness by herself in the bath?—Alone in the bath.

What was your position when Bergami left the bath?—I was standing there with hot water, because I thought he might still need it.

Could you at that time see into the bath?—No, for Bergami went out sideways, making as little noise as possible, and shut the door.

How long had Bergami and the Princess been in the room before Bergami went to call her maids?—About half an hour.

Marquis of HUNTLEY.—Was Bergami, on retiring from the bath, dressed in the same way as when he was observed to enter it?—Yes.

Earl GREY.—Did the witness remain with some water at the door of the bath when Bergami went to call her maids to dress the Princess?—I remained there till he told me to go away.

When did he tell you to go away?—When he went up to go and tell Mademoiselle Dumont to come down, he told me that no more water was wanted.

Did you go away immediately, or wait till Mademoiselle Dumont came down stairs?—Bergami remained upon deck. Mademoiselle Dumont came immediately, "*subito*," down stairs; I took my pails away, and saw Mademoiselle Dumont alone enter the bath-room.

Do you know how long the Princess remained in the bath-room after Mademoiselle Dumont went in to her?—I cannot tell, because I went away about my business.

When Madle. Dumont came down, Bergami did not come down with her?—No, I only saw Madle. Dumont.

Lord ANSON.—On receiving your orders to that effect, did you go away to get the water, in order to be ready with it if Bergami should call you?—I went nowhere, because there was a sailor who gave me the water at the door of the dining-room.

Did Bergami receive the pails of water at the door of the dining-room, or did he come out to receive them?—He received them at the door. He did not come out.

The Earl of DARNLEY.—The witness has stated that a tent was placed upon the deck of the polacre; I wish to know the nature of that tent, and the manner in which it was placed; and whether it was a tent or an awning?—It was a tent, which was spread upon the deck by means of ropes; and in the evening it was closed as a pavilion. (Here the witness described upon the table the position of the

test.) It was closed all round. I think that, in the evening, this tent was let down and closed all round; and they said from within, "Stop it well; stop it all round; see there be no hole, no opening."

Was it a single canvass?—Sometimes it was single, and sometimes other pieces of canvass were put to stop the openings.

Earl GROSVENOR.—By whom was the witness recommended to the service of her Royal Highness?—By Bergami.

Earl GREY.—Does the witness know whether the Princess was in the bath before Bergami left the room to call Mademoiselle Dumont?—I do not know whether she was in the bath, because I did not look into the room.

The Marquis of LANSDOWN.—What was the motive of the witness for seeking at Pesaro to be discharged from the service of the Princess?—Because the Princess was surrounded by bad people. (A laugh.)

The Earl of CARNARVON.—How was the Princess dressed when she went into the bathing-room with Bergami?—As far as this goes, non mi ricordo.

Was she in her ordinary dress, or in a bathing-dress?—I do not remember precisely what dress she had on.

What was the size of the bath?—The witness described it as small.

What furniture was there in the room?—I remember there was a sofa, a sofa-bed or sofa, where, in the morning, we placed the cushions when we opened the bed.

The Marquis of LANSDOWN wished to put one more question to the witness, in explanation of the question which he had last addressed to him. The witness had stated that his reason for wishing to leave the service of the Princess at Pesaro was, that her Royal Highness was surrounded by bad people; why then, he wished to know, did he afterwards make application to Schiavini to be restored to that service? Had the witness, in the mean time, altered his opinion of the persons by whom the Princess was surrounded?—I applied to Schiavini in a kind of common conversational way; I asked if it were possible to enter again into the service of the Princess; I applied in a kind of way.

Then the witness meant nothing serious by his application?—No; it was

a sort of conversational application, "Would it not be possible to enter again into the service of the Princess?" I was in service at the time.

Lord Viscount FALMOUTH (from the gallery) would detain the house for a moment, upon a point which to him appeared important.

The witness had been asked if he knew whether the Princess was in the bath at the time when he carried the water to the door. To this question he had answered, "I cannot know." The witness had since asserted, that, when he carried the water to the bath, he could see that there was no other person in the room besides Bergami. Now he wished to know why the witness could not see if the Queen was in the bath, when he could see that no one else besides Bergami was in the room.

The Earl of LAUDERDALE said, that the original question stood thus—"Do you know whether, at the time you so carried the water, the Princess was in the bath?" The answer given by the witness was, "I cannot know." If the witness had said that he did not know whether the Princess was then in the room, there would have been a contradiction; but at present there appeared to him (Lord Lauderdale) to be no contradiction.

Lord Viscount FALMOUTH was sorry to occupy the time of the house; but he thought the point was of considerable moment. The witness a quarter of an hour before had stated, that when he carried the water which Bergami, half-opening the door, took in, if any other person had been in the room he must have seen such person.

The Earl of LIVERPOOL saw no apparent contradiction at present. The fact he took to be this:—The witness prepared the bath, and saw Bergami and the Princess go into the bathing-room. The question then put to the witness was, did you see the Princess in the bath? The witness answered, I could not see, because after they went in the door was shut. The subsequent question, "Was any other person in the room?" applied to the time when the door was afterwards opened; and the witness answered, there was no one in the room. Whether the story told by the witness was or was not to be credited, was another question; there did not seem to be any contradiction at present.

Lord ERSKINE understood the witness to say, that if any other person had been in the room, he must have seen them.

Lord Viscount FALMOUTH.—Exactly so.

THE LORD-CHANCELLOR thought that if their lordships looked at the relative situations of the bath and of the room, they would find there had been no contradiction.

Lord Viscount FALMOUTH pressed his opinion.

Several of the questions and answers were then read by the short-hand writer, from which it appeared that the witness had used these words—"If there had been any other person in the room, I must have seen them."

Lord Viscount FALMOUTH conceived that those words applied to the time at which the witness carried the pails of water to the door; and that the former evidence referred to the same period. Surely if the witness could see that there was no one else in the room, he must have seen the bath.

The Earl of CARNARVON thought that the answers referred to different periods.

Lord Viscount FALMOUTH acquiesced.

Lord DE DUNSTANVILLE.—How often did the witness sleep between the two tents?—I remember twice.

Do you remember at either time hearing any conversation between two persons inside?—Yes.

Could you distinguish the voices?—I could not distinguish the voices; but I heard a whisper.

Could you hear whether the voice was that of a male or of a female?—I heard two voices speak in a whisper; but I could not make out whether they were the voices of women or of men.

Mr. BROUGHAM submitted, that he was entitled, through the medium of the Lord-Chancellor, to put certain questions to the witness.

The LORD-CHANCELLOR.—No doubt.

Examined by the LORD-CHANCELLOR, at Mr. Brougham's suggestion.—The witness has stated that he was in place at the time when he had the conversations which he mentioned with Schiavini: what wages did he then receive?—The witness was stating that he had been at that period in the

employ of the young Marquis Onis-chalti, when

Mr. BROUGHAM said that they had the point already.

Did you not make repeated applications to Jerouimus to be taken back into the service of the Princess?—Questo non mi ricordo.

Did you not five or six times make applications to Cameron to be restored to the service of her Royal Highness?—The first or second time that Cameron came to Milan he sent his servant for me. I went, and Cameron said, "Theodore Majochi," (and I remember it as well as if it were but now,) "Theodore Majochi, do not enter into any service, because the Princess will take you back." The conversation must be put down as it was said. Cameron said, "Theodore, give me back the certificate of your good service, and I will tell the Princess that you have not entered into any other service; and she will pay you for all the time you have been out of service, and all the damage you have suffered." I answered, "Cameron, give me back my paper (which I had given him already in talking); for, rather than serve the Princess, on account of the persons who are about her, I would go and eat grass."

Was this conversation with old Cameron?—Yes.

Did you at any other time apply to Cameron to be reinstated in your service?—Mi ricordo di non: non, non.

Do you know if Cameron was examined at Milan?—Of this I know nothing.

The Earl of LAUDERDALE wished to know whether this conversation with Cameron at Milan took place before witness went to Vienna, or after his return?—Before I went.

The witness retired.

SECOND WITNESS.

[GAETANO PATURZO.]

The ATTORNEY-GENERAL then called Gaetano Paturzo. The witness was a man rather of a shabby appearance, and apparently of about thirty years of age.

Mr. DENMAN desired to know what religion the witness professed?—Catholic. An apostolic Roman.

Mr. DENMAN wished to be told when the witness had last taken the sacrament. He should be able to

show that, according to the religion professed by the witness, no oath was binding unless taken within a certain time after confession, and after receiving the sacrament.

Mr. DENMAN's objection was overruled.

The witness was then sworn, and examined by the Attorney-General.

The LORD CHANCELLOR.—Have the goodness to keep up your voice, Mr. Attorney-General, and let the witness keep up his.

What countryman are you?—I am of Naples.

What is your occupation?—I am captain of a merchant vessel.

Have you a share in the vessel you command?—I have.

What share?—One fourth.

Were you, in the month of April, 1816, mate of a ship commanded by Gauguini Guardello?—I was.

What was the size of that vessel?—About 300 tons.

Do you remember the Princess of Wales coming on board that ship at Augusta, in Sicily?—Yes.

To what place did the vessel first sail from Augusta?—To Girgenti; and from thence to Tunis.

Do you remember the names of the persons who accompanied the Princess on board?—Almost all.

Mention the names of those whom you remember.—There was B. Bergami, Schiavini, William Austin, Theodore, Carlino, and a cook, whom they called Francis.

Any females?—Yes.

Who were they?—There was the Countess Oldi; I believe, but I do not recollect well, she was dame d'honneur; two maid servants, one was called Dnmont, and the other Brunetta; and a little child, called Victorine.

When you first sailed from Augusta to Tunis, do you remember the situation of the cabins appropriated for the sleeping-rooms of the Princess and the Countess of Oldi?—The cabin of the ship was divided into two. On the right hand was the bed of the Princess; on the left that of the Countess of Oldi.

Outside that cabin was there a dining-room?—There was.

Do you know where Bergami's sleeping-cabin was at that time?—I do.

Where?—In the first cabin on the right, immediately beyond the dining-

room. [Here the witness described the relative situations of the cabins, &c., upon the table. This was the body of the ship: the two lateral parts are divided into small cabins. One of these small cabins, most near to the poop and to the dining-room, was that appropriated to Bergami.]

Did the dining-room extend the whole breadth of the ship?

Mr. DENMAN objected to what he considered a leading question.

The ATTORNEY-GENERAL was not aware that he had transgressed the strict rules of examination: he wished to keep within them.

Mr. DENMAN thought that the question ought to be, "To what point does the dining-room extend?" The question, as the Attorney-General put it, admitted of an immediate answer, which, at the same time, it suggested—Yes.

The ATTORNEY GENERAL trusted that he should not be precluded from asking a question merely because it might be answered by the word "Yes."

The LORD-CHANCELLOR put the question, then; in this way.—Did or did not the dining-room extend the whole length of the ship?

The interpreter professed himself unable to put the question in that shape. He must ask, Did the dining-room extend from side to side, yes or no?

Mr. DENMAN would certainly object to the question in that form.

The LORD-CHANCELLOR.—Take this then—How much of the breadth of the ship did the dining-room occupy?—The whole, except the wooden line used for the cleanliness of the ship: the whole breadth.

Examined by the ATTORNEY-GENERAL.—After leaving Tunis, did Bergami continue to sleep in his own cabin, or did he continue to sleep in another part of the vessel?

Mr. DENMAN objected to the form of the question.

After leaving Tunis, did you sail for any other place?—We sailed for Malta.

After leaving Tunis, did Bergami sleep in the same cabin as before, or in another part of the vessel?—His bed was removed to the dining-room, and was probably, especially, particularly, on the right hand of the dining-room.

A noble LORD wished to know

which of these expressions, particularly or probably, applied.

The interpreter could not translate the Italian idiom in one word. He gave the various words, and their lordships might select.

Was the right-hand side of the dining-room nearer to the cabin of the Princess than the left, or farther from it?—As the cabin of the Princess was on the right-hand side, it was more near. The room occupied by the Princess had a door which led into the dining-room; and another door of communication with the chamber of the dame d'honneur.

Was that communication to the room of the dame d'honneur from within the chamber of the Princess?—Yes; the chamber of the Princess was divided into two chambers; one for the Princess, and the other for the dame d'honneur: it was divided by a painted canvass.

When Bergami left Tunis, where did he sleep?—On the right of the dining-room—more particularly on the right.

Was the bed of Bergami removed on that occasion?—Yes, it was removed to the right side of the dining-room. When the door was closed, there was no possibility of seeing from one bed to another. There was a communication from the bed-chamber of the Princess to the chamber of the dame d'honneur.

How was that part of the ship laid out?—The chamber of the Princess was divided into two chambers; one for the dame d'honneur, the other for the Princess.

How far from Bergami's bed was the door leading to the chamber of the Princess?—Part of the chamber of the Princess was formed by the partition of the ship, in that a door was made, and at a proper distance from the door was situated Bergami's bed.

The door being open, could a person in the Princess's bed see Bergami's bed?—Witness. Why not? According to the division made, in whatever situation a person was, in Bergami's bed, he could not help seeing the Princess's bed when the door was open.

The situation of the bed was such, that a person could not fail to see both together.

The witness afterwards added:—But a person might stand up in the bed in such a situation as not to be able to see the other bed. I mean, if

he placed himself upright. But the bed itself might see the bed of the Princess. (A laugh.)

How many doors were there from the passage which the witness describes to run along between the two sides of the bed-room? how many doors were there from that passage into the dining-room?—No answer.

The witness has stated, as I understood him, that the body of the ship was divided into three divisions, on each side there were cabins, and a passage in the middle, communicating with the dining-room: now, how many doors led from that passage into the dining-room?—Two doors opened into it.

After the ship sailed from Tunis, were those doors closed?—Yes, they were shut; one was nailed up.

After that, was there one entrance, or more, into the dining-room from that passage?—There was only one; the other door.

Where did the ship go from Tunis?—To Malta, and thence to the island of Milo.

Where did you proceed afterwards?—After much voyage, we went to St. Jean d'Acre.

Where did the Princess go from St. Jean d'Acre?—To Jerusalem; to visit the holy place.

Did the witness accompany the Princess on her journey to Jerusalem?—Yes; I went to Jerusalem.

During that journey, did the party travel by night or by day?—We travelled the whole of the night, and part of the day; but the other part of the day, it being then very hot, we rested ourselves.

When you rested by day, were any tents erected?—Not always. At Nazareth we lodged at a private house; but, when we were going towards Jerusalem, we raised our tents near a convent.

In what tent did Bergami rest?—When the tents were raised, we dined also; and in one of these tents was the Princess. In that tent was immediately placed an iron travelling bedstead—a small one—and upon a piece of matting was put the bed in the tent. Bergami and the Princess there dined; I saw nothing else, for I then went to dine myself.

Does the witness know who slept in that tent?—The Princess, I know, because it was intended for her: but as

to any other person I do not know, for I went to dine myself.

Does he know where Bergami then slept?

Mr. DENMAN objected to this question. The witness had stated that he was in a situation which prevented him from knowing the fact referred to, and therefore the question could not be put.

The ATTORNEY-GENERAL argued, that it was quite regular to ask the witness whether he knew where Bergami slept at that time.

Mr. DENMAN.—I don't object to the question itself, but to the moment at which it was asked, when, in consequence of what the witness had stated, he is disqualified from answering it.

The ATTORNEY-GENERAL.—Does the witness know where Bergami slept during the day when they rested?—I do not know.

The witness not appearing to comprehend the question, the interpreter expressed a desire that it should be again repeated by the learned counsel. (Cries of "No, no.")

The interpreter said, that his mind was so taken up with translating every word that occurred, that he could not repeat the whole of the sentence on the moment.

The question was then renewed, and the witness answered:—"I positively cannot know where Bergami slept, because I left him and the Princess, and went to my virtials. I imagine—"

Mr. DENMAN interposed—A complete answer has been given to the question, and any speculation the witness may follow it up with as to his belief or his imagination, cannot be received.

The ATTORNEY-GENERAL.—The point, as to the propriety or impropriety of this interrogatory, cannot be entertained until the whole of the question is received. But my learned friend, without waiting for it, breaks in and interrupts the witness before your lordships know what the answer may be.

The LORD-CHANCELLOR.—You certainly ought to know what the answer is before you object to it.

Mr. DENMAN reiterated his objection.

The LORD-CHANCELLOR.—It is impossible to proceed in this way. Unless we know the nature of the answer as well as the Interpreter does before he interprets it, how can we

decide on it? The constitutional mode is if an answer is not evidence to strike it out.

Mr. DENMAN.—Your lordships know that the effect is produced the moment the answer is given.

The LORD-CHANCELLOR.—Consider the state we are in if you will not let the interpreter give the answer as he is sworn to do, how can we know whether it is fit to be received or not?

LORD ERSKINE said a few words, but they were inaudible below the bar.

The LORD CHANCELLOR.—Let the Interpreter give us the answer.

The question was then repeated, and the Interpreter proceeded to that part of the answer where the word "*immagine*" occurred, when

MR. DENMAN again interposed. Their lordships, he said, knew that, in a court of justice, if, instead of taking the statement from an Interpreter, they examined the witness himself, and he answered that he did not know some particular point, but that he guessed or imagined some circumstance relative to which a question might be asked if the preceding interrogatory had been answered in the affirmative, the Counsel appearing in such a case would not do his duty to his client if he did not instantaneously interpose, and prevent the witness from proceeding. In any court whatsoever he conceived the same course should be followed, and that the Counsel, when a circumstance of that nature occurred, was bound to bid the witness shut his mouth. Here, when a word was interpreted "*I imagine*," it was absolutely necessary for him to interpose to prevent the whole of the answer being received.

The LORD CHANCELLOR.—I think the Interpreter could not be stopped in giving the answer of the witness, until it appeared, from so much of the interpretation as he had made, that the witness was about to state something of imagination or opinion. (Hear.) I think it now appears that what the witness was about to state was a matter of imagination, and not what had come to his knowledge. The answer cannot therefore be received. (Hear.) Interpreter, be so good as to state to the witness that he must speak only to facts which he knows.

The interpreter immediately complied with the Lord Chancellor's desire.

The examination then proceeded.

Has the witness ever seen Bergami reposing under any other tent?—No.

When witness was at Jerusalem, was he present at the church there during the performance of any ceremony?—I was.

Was the Princess there?—She was.

Who else were present at the ceremony?—Bergami, Austin, Schiavini, and some others of the Princess's suite, who were made Knights of the Sacred Sepulchre.

Was it a religious ceremony?—It was. The order was conferred on those who visited the Holy Sepulchre.

Do you know whether any other order was conferred on Bergami whilst he was at Jerusalem?—I know of none at all.

Did you remain at Jerusalem with the Princess, or return before her to Jaffa?—I went to Jaffa before her.

Did the Princess and her suite embark at Jaffa on board the same ship that brought them?—They did.

After they left Jaffa, was any tent raised on the deck of the vessel?—There was.

Was that tent closed at night?—Yes, it was.

Was there any sofa or bed placed under that tent?—Yes, there was some sofa, and a small bed.

How were the sofa and bed placed under that tent?—They were placed at a little distance, to make a passage.

Has the witness ever assisted in closing that tent at night?—Yes, I have.

Who was in the tent at the time you assisted in closing it?—The Princess, Bergami, and some person belonging to her household.

Do you know who remained in that tent during the night?—Those who remained under the tent I don't know; but the servants who were in the tent came out of it. I saw them on deck, and stopped them. I don't know who remained under the tent, because it had a communication also below; and whether the Princess went out, I don't know.

Have you ever seen the tent raised up in the morning?—I have seen it.

Who have you seen under it, or have you seen any persons under that tent, when it was so raised up in the morning?—For the most part I have seen the Princess lying on the sofa, and Bergami on the bed. Sometimes not.

When you have seen Bergami so lying on the bed, how was he dressed?—In his usual dress—a cloak (capotto.)

The witness afterwards further explained. It was not a cloak; it was a species of morning-gown, with large sleeves (toga.)

Have you ever known the tent to be closed during the day?—I have.

For how long?—A little time: half an hour, or an hour.

Who was under the tent when it was closed by day?—The same as in the evening, when the tent was closed.

I again ask, who was under the tent when it was closed by day?—The Princess, Bergami, and some person belonging to the servants, who assisted in closing the tent.

Did that person who assisted in closing the tent remain under it, or come out of it?—Many times I have seen that person, the servant, come out; but other times, when I was employed in the business of the ship, I do not know whether he came out or remained.

Do you know by whose directions the tent had been closed on these occasions?—Sometimes by the directions of Schiavini, but always by one of her Royal Highness's people.

Have you ever seen the Princess and Bergami walking together on the deck?—I have.

In what manner?—Arm in arm.

Have you ever seen them on the deck when they have not been walking?—I have.

In what situation have you seen them then?—In various situations; different situations.

Describe some of them.—I have sometimes seen them sitting on a gun, with a hand and arm of one behind the back of the other, because the gun was too small. They were supporting each other with their arms. Sometimes Bergami was lying on his back on a small bed, and the Princess sitting near to the bed, leaning upon it. When the captain saw me, on those occasions, he would make some excuse, sometimes this, sometimes that, to send me away, because we were distant relations.

[The interpreter observed, that the witness's expression was, "mezzo parente," the literal meaning of which was, half-relations; but he had translated it, distant relations.]

You say you have seen the Princess and Bergami sitting on a small bed;

have you ever seen them sitting in any other situation?—I have.

In what situation have you seen them?—Sometimes I have seen Bergami sitting on the bench near to the main-mast, and the Princess sitting in his lap, with her arm round his neck, over his shoulder.

How was Bergami's arm placed on that occasion?—Bergami's arm was behind the back of the Princess, and the arm of the Princess was round the neck of Bergami.

You have stated that there was a sofa and bed placed under that tent; where was the bed taken from when it was placed there?—A small iron bed came on board when the Princess came, for her use.

Do you know, before the tent was erected, where that bed was placed?—First, concerning the nature of the bed:—the legs were of iron; and a piece of canvas was placed over it, without boards. At the beginning, when we began to make a tent to procure shelter from the sun, then the Princess ordered the sofa to rest herself on, as a bed; and then also, from her luggage, was brought forward that small iron bed.

Do you in the course of the voyage, remember St. Bartholomew's day?—I do.

State whether any thing particular took place during that day.—During that day there was general mirth through the whole vessel, among the captain and crew: During the evening afterwards dishes were decked with lights, to make an illumination all over the ship, and liquor was given to all the sailors to drink, by the orders of Bergami. A dollar each was given to them. All the crew danced, and cried, "Long live St. Bartholomew! Long live the Princess! Long live the Cavalier!"

I would ask, when Bergami came on board at Jaffa, whether he wore any other order but that of St. Sepnichre?—When he returned from Jaffa, he and several of the Princess's suite appeared with a new order.

What was that order called?—The order of St. Caroline.

CROSS-EXAMINATION.

Cross-examined by Mr. DENMAN.

—Name the persons who, of her Majesty's household, wore those orders?—Bergami, Austin, the Doctor, two

English officers, who waited on her Royal Highness, and one or two other persons.

Had not every one, who had been at Jerusalem with her Royal Highness this order of St. Caroline?—Not all; only 6 or 7 persons.

Where do you usually live?—I am fixed at Messina, because my father is a pilot there.

What is his name?—Giovanni Battista Paturzo.

What business or trade is he?—He is first pilot the royal navy of Naples. He is of the degree and rank of an officer.

I suppose the witness is not himself married?—I am not.

Have you always gone by the same name?—Yes, certainly: I have not changed my name.

Was your name well known on board the ship you have been speaking of?—Yes, certainly, by all the crew, who knew me to be the pilot.

How many persons did the crew consist of?—We were 22.

Were they all constantly employed in managing the ship?—The crew was employed both to manœuvre the ship and for the service of the Princess, as I was employed myself.

Have you seen any of them lately?—I have seen the captain.

What is his name?—Vincenzo Benigno.

Have you seen none of the crew within this week?—I have not.

Have you seen any of them within this half-year?—Two months ago I saw one of the sailors. During the last six months, as Messina is a thoroughfare, I have seen some of them there on board of other vessels.

What is the name of the man you have seen within the last two months?—Giuseppe Arbono.

Where did you see him?—At Messina.

Was the gun which you have spoken of on deck?—It was on deck.

You speak of a communication between the tent and the interior of the vessel: where was it?—The door was exactly under the tent.

Where was the bed of which you have spoken?—It was on deck, near that door.

Had not the crew access to all parts of the ship at all times?—As soon as the tent was closed, nobody could pass the place occupied by it; but all other parts of the deck they could go to.

Were you ever at Milan?—Yes; now, in my way here.

Did you come to England by Milan?—Yes; I went from Messina to Naples by sea; from Naples I went to Milan; from Milan to Paris; from Paris to Dieppe; from Dieppe to Brighton; and from Brighton, by land, to London.

Was that the first time you had been at Milan?—Yes.

Who first applied to you to come here, for this business?—The English Vice-Consul at Messina.

When was it?—On the 22d, 23d, 24th, 25th, and 26th of the last month, July.

Was that the first time you were desired to give evidence on this subject?—Yes.

Did you go to the Consul, or the Consul come to you?—The Consul sent for me, because he had been charged to do so by the Minister at Naples.

What are you to have for coming here?—For what I have lost it will be very little indeed.

What is it you are to have?—I, for coming here, must receive, as a compensation for the ship and trade I am obliged to give up, 800 dollars per month.

(This statement created a general buzz throughout the house.)

The interpreter stated that the rate of the dollar varied: The usual rate was 4s. 3d. or 4s. 4d. He recollected it as high as 4s. 6d.; but the average is 4s. 3d.

(The short-hand writer was here called on to read the answer to the last question, which he did.)

Have you paid any travelling expenses?—I have paid nothing, because I came accompanied by a courier. I was obliged, of course, to come; because the Minister applied to the Consul, and the Consul told me, if I did not go, I would be obliged (obligando) to go by means of the government; otherwise I was not willing to do so.

Who is the courier that accompanied you?—From Naples to Milan I was accompanied by Nicola —, and from Milan here I was accompanied by Mr. Grouse.

How did you come from Naples to Milan?—In a carriage.

Was it a stage-coach or a diligence?—It was a carriage hired for two by the courier.

Could any other persons take a seat in it?—These questions are useless. I

saw the horses changed: the minister gave me in charge to one courier, and he to another.

So, the minister gave you to one courier, and that one consigned you to another who brought you here? Is it not so?—This courier brought me to Milan, and there Colonel Brown gave me in charge to Mr. Grouse, who brought me here.

How did Colonel Brown come to give you in charge to Mr. Grouse?—The courier brought a letter from the minister to Colonel Brown at Milan.

How long were you at Milan?—I have not my memorandum-book in my pocket: perhaps two or three days.

Where did you live these two or three days?—At an inn.

How often did you see Colonel Brown there?—First when I gave the letter to him, and again when I took leave to set out.

Did you see a person of the name of —? (We could not catch the name)—I do not know any one of that name: this is the first time it ever reached my ear.

Did you see any person take down what you said when you were examined?—Yes, at Milan.

What was the person called?—There were present Colonel Brown, two other persons, the person who wrote, and myself, making five.

Did Colonel Brown put questions to you?—Yes, like this person (the interpreter.)

Were you sworn on the cross of Christ?—I was not, because I was not asked.

Were you sworn at Milan?—Not at all.

Were you examined at Naples before you set out?—No.

How did you travel with Mr. Grouse from Milan to Paris?—In a carriage also.

Were you and Mr. Grouse alone in it?—I and Mr. Grouse and the post-boys.

What sort of a carriage was it?—It was a calash, with four wheels and two seats.

When did you arrive in London?—Yesterday.

How long did you remain in Paris?—We arrived there in the morning and set out at night.

In the course of that day did you see any person at Paris that talked to you on this subject?—No, not with regard to the depositions.

Did they ask you any questions about what you were to say against her Royal Highness?—No, for that would have been the same that I have now said.

I wish to ask if any person talked with you at all at Paris on the subject of what you were to say about the Princess?—No: at Paris I was so short a time that I had hardly sufficient time to rest, as we were travelling post.

Were you never examined on this subject before you left Messina for Milan?—No.

On what day did you arrive at Paris?—(The interpreter after communicating the question, stated to their lordships that the witness had asked him what day this was, and that he had told him it was Wednesday, but nothing more.) No answer.

How many days is it ago?—I can't tell.

Do you mean to say that you can't tell whether you were at Paris last week?—(After a long pause) Last Saturday: Saturday, last week.

Were you examined since you came to England?—Yes.

Before you came to this house?—Yes.

Have you been brought to this place before you came as a witness?—No.

When were you examined here?—Yesterday.

Do you know the name of the gentleman who examined you?—No.

You were not sworn, I suppose, yesterday?—No.

Where have you been since your arrival?—There, where all the rest are: in a place down below, from which there was communication with this room.

Who are the rest to whom you allude?—All the persons there.

Who are they?—I have not had the curiosity to label them. (A laugh.)

How many are there?—I don't know.

Do you mean to say you don't know whether there are ten, or ten times ten?—Ten times ten make an hundred, if I understand arithmetic.

I beg to know whether in the place from which you came to this room there are six persons?—Whether there are six or more I don't know: I don't know more than three, the captain, Theodore, and the cook.

Where did you stop last night?—In my chamber.

Who were with you?—The captain, Theodore, and the cook.

Did any person besides these three stop with you?—First of all I took tea.

In that room there were five, the captain, Theodore, and three others.

Were there no more?—I paid no attention.

Did you sup together afterwards?—I took no supper last night: I took tea.

On what day did you come over?—Yesterday I arrived here, which was Tuesday. On Monday I left Dieppe, and on Monday evening I reached Brighton.

This closed the cross-examination by Mr. Denman.

Mr. BROUGHAM said he ought to state to their lordships, with regard to the cross-examination of the last witness—and what indeed applied equally to both the witnesses examined—his hope that they would not consider the cross-examination closed, when the witness retired, but their lordships, in compliance with her Majesty's petition, would allow the witnesses to be recalled at any future period if necessary. Such permission their lordships would perceive to be essential to the ends of justice, when it was remembered that there were witnesses of whom her Majesty's counsel had never even heard the names?

The LORD-CHANCELLOR said, that with regard to that application, the house would of course be regulated by a sense of justice, and by the occasion that could be shown for such an indulgence.

Mr. BROUGHAM was well aware that the house would in all its decisions act in conformity to the dictates of justice; but he had thought it his duty to make this observation that their lordships might not go away with the idea that he and his learned friends had finished their cross-examination.

Re-examined by the ATTORNEY-GENERAL.

Have you a share in a ship at Messina?—Yes: I left the vessel at Messina.

What size of a ship?—269 tons.

Were not 800 dollars a month paid you as demurrage?—

Mr. DENMAN objected to this question, and wished the one on which it was founded to be read.

(The short-hand writer said he had sent away the book containing that question; but he repeated from memory the substance of the question and of the answer as follows:—What are you to have for coming here?—I must have as a compensation for giving up my ship and trade 800 dollars a month.

The ATTORNEY-GENERAL.—I wish to ask if that is more than an adequate compensation for coming here, in consequence of your ship being unemployed?—I want to know whether you mean a compensation for my ship being unemployed, or for myself.

Mr. BROUGHAM.—That is his answer.

ATTORNEY-GENERAL.—I ask if that is more than an adequate compensation for your ship being unemployed?—The 800 dollars are not so much for the mere hiring of the ship, because we do not consider the hire of the ship so much as what we could make by our trade; for the owners allow us to trade for ourselves, and we may either gain or lose.

Are 800 dollars a-month an adequate compensation for your trade?—I cannot tell; for if my speculation were to succeed, I might gain a great deal more, and if it were to fail, I might lose a great deal more.

By Earl GREY.—Where is your ship now?—I left her at Messina.

Was it about to sail on any other voyage?—No.

Must it remain unemployed during your absence?—I don't know.

Is it possible it may be sent anywhere by the other proprietors in the usual course of trade?—Why not; because then they must put in another captain, and that would injure my business.

Then I am to understand that the 800 dollars a-month are a compensation for your absence, and not for the ship being unemployed?—For leaving the ship, and neglecting my own trade.

Are you to have any share of the profits of the ship during your absence?—A fourth part of the profits of the ship are my own, which is to be given me after deducting the ship's expences, but I am not to have any share of the private trade.

Are you, then, to have a share for the freight, or for the merchandize, or for both?—Not for the merchandize, because I am not present.

How many sailors were there usually on deck at night, during the voyage from Jaffa?—Half of the crew for four hours, and the other half were at rest.

Am I then to understand that there were never fewer than ten or eleven men upon deck?—When the weather was bad, all the crew were on deck, but there were never fewer than ten or eleven.

Are those men in the habit of walking up down the deck?—Except the man at the helm, and those who went down to look after the horses, they did walk up and down the deck.

Was there a passage by which they could walk past the tent?—The tent occupied little more than one-half the breadth of the ship.

Was there a passage by the side of the tent from one end of the ship to the other?—On one side of the tent there was no passage, because it reached to the side of the ship; but on the other side there was a passage.

Were the men in the habit of passing the tent in the night-time?—Whenever there was occasion for the men to pass in working the ship, they did pass, but otherwise they remained on the fore-castle.

By the Marquis of LANSDOWN.—You have said that the captain occasionally ordered you to remove from the deck, when he and the Princess and Bergami were on the deck, where did you go to on these occasions?—According to what the captain ordered me.

Did he order you to go below, or where?—Sometimes he told me to go to the cabin, and sometimes to the fore-castle, to take care the sailors did not make a noise in the ship.

Was there any other person near that part of the ship where the Princess's tent was placed but Bergami and the Princess?—A division was made by the great boat.

Whereabouts were the gun and the bench of which you have spoken?—The gun, as well as the bench, was in the middle of the ship.

At the time you were, on some pretence or other, directed by the captain to remove from that part of the deck where her Royal Highness, Bergami, and the captain were, were there any other persons remaining near to the captain in that part of the vessel?—As soon as I went away, I could not see what passing there.

[This question was read over again to the witness, but he made no alteration in his answer.]

Were any other persons suffered to remain on that part of the deck from which you were sent away?—Before I went away, or after?

Before you went away?—At the moment I went away something was ordered for me to do, and I could not

pay attention to what was done, or to who remained.

Was the weather calm or stormy at the time when you saw her Royal Highness and Bergami reclining on the gun?—If it had been stormy, they would not have remained on deck: it was summer-time, and fine weather: one day we had a storm, and they did not come up.

On that occasion was there much motion in the vessel when they reclined on the gun?—During summer there are only light airs, and they are followed by calms: there is very little motion, and it was calm when they were sitting there.

By Lord ROSEBERRY.—On the voyage to Jaffa, the witness states that there was a communication below from the tent: did that communication go to any other part of the ship, or only to a particular place, from whence there was no exit but through the tent?—I will describe it. [The witness took pen, ink, and paper, for the purpose.]

I wish to know whether the communication you speak of was to any other part of the ship, and if so, to what part?—[The witness drew a rough plan of the deck of the ship, which was explained by the interpreter to several Peers near the bar. The witness pointed out some steps that led down into the dining-room.]

Then when the tent was so placed, was it possible for any person to get into the dining-room excepting through the tent?—There was another place which I marked.

By Lord AUCKLAND.—Had Theodore Majochi any particular place assigned him in the ship?—Yes.

Where?—He had a hammock in the hold; but wherever he was more easy, there he placed himself.

Could he from his sleeping-place possibly hear what, in the course of the night, passed in the tent?—When he slept in the hold I believe not, because the noise must have passed through two decks.

By another Peer.—Did Theodore Majochi sleep habitually in the hold, or between decks?—[No answer was given to this question.]

Did he sleep in the dining-room?—I do not know.

By Lord ELLENBOROUGH.—Where did Bergami sleep in the voyage from Jaffa?—There were two beds in the tent, and when the tent was open

it was seen that the small one was Bergami's and the sofa was the Princess's. When the tent was closed, I had no communication with the part of the ship belonging to the Princess.

Had Bergami any other known place of sleeping but the place on the deck?—Whether the Princess and Bergami slept on the deck, I have not seen; but what I know morally is, that the Princess and Bergami slept in the tent, because there were horses on board, which made a great deal of noise, and they said they could not bear to sleep below.

Where were the beds placed, used by the Princess and Bergami, during the voyage from Jaffa?—On the sofa there was nothing but a single mattress of the Princess's: the other mattresses of the Princess were placed below.

You have said that the cabin was divided into two, and that the bed of Bergami was in the dining-room: where were these identical beds placed on the voyage from Jaffa?—The bed of the Princess remained there, but I do not remember as to the bed of Bergami; when he got up it was rolled up, for it had no bedstead, but was put down on the planks of the corridor, and was rolled up in the morning.

If you would draw a plan of the beds as they were on the voyage from Jaffa, it would tend much to elucidate the question.—[The witness did so; and after some time it was exhibited to the peers, who had assembled round the witness. The interpreter explained that the only alteration was the removal of Bergami's bed from his room to the dining-room near the door.]

Was Bergami's bed made for him every night during the voyage from Jaffa?—As to that, I cannot tell what happened in the apartments of the Princess: I had other things to do. I saw that the Princess's bed was there, because I went to see the room cleaned.

Did other persons sleep where Majochi usually slept?—Yes: that is, where Majochi had his bed.

Did Cameron sleep in the same place?—Cameron slept in the cabin.

How many tents were there on the journey to Jerusalem?—I do not know; many; several; as many as were sufficient for so many as there were.

By the LORD-CHANCELLOR.—Where did the female attendants of the Princess sleep on the voyage from Jaffa?—The women had a cabin; the

other cabin was assigned to the Countess Oldi; but I never went below, and therefore did not see whether they slept there.

When the Princess had retired into the tent, have you seen a lantern handed out?—Yes; sometimes the light was given out under the tent, and sometimes it was conveyed below by the communication I mentioned; sometimes the sailors, sometimes Theodore, and sometimes the captain himself, took it away.

By Lord BELHAVEN.—Do you know who gave out the light?—No; the light remained for some time in the tent after it was properly arranged. I did not remain near the tent beyond the time when the tent was arranged.

Did any person sleep in the dining-room during the voyage from Jaffa?—Do you speak of what I have seen with my own eyes?

Mr. DENMAN objected to the witness being asked any question not consistent with the rules of evidence: he unwillingly interposed, but the witness ought to speak only to matters within his own knowledge.

The LORD-CHANCELLOR concurred; it was always right in counsel to suggest to the house, on any of the questions put, if they thought them objectionable. It might be recollected that, in the Berkeley Peerage, their lordships had decided that their questions should be regulated by the ordinary rules of evidence; and they had determined also to put their questions after the advocates had concluded, on the ground that the members of the House were, in fact, counsel for both parties—only anxious that justice should be done.

Did you see any person sleep in the dining-room?—I do not know.

By Lord DARNLEY.—During the same voyage did the Princess take off her clothes or sleep in them?—For what I know, the Princess and Bergami slept on deck, for every body said so; but for what I have seen, I have seen the Princess open the tent a little, and she had a white gown, dressing gown, or some gown, on; she opened it first to take a morsel of air before the sun rose.

The first part of this answer was struck out, at the suggestion of Lord Liverpool; as being only matter of hearsay.

By Lord ELLENBOROUGH.—Did

you see Bergami look out of the tent about the same time?—No, because the Princess opened it towards the sea, just as little as to look out.

Was there any communication between the chamber of the Princess and that of the Countess of Oldi when they both slept down below?—There was a communication.

Mr. DENMAN requested their lordships to supply an omission in his cross-examination. The Lord-Chancellor accordingly, at his suggestion, put the following questions:—

What is the name of your ship at Messina?—Il Vero Fidele.

Does she belong to Messina?—Yes.

What are the names of your partners in the ship?—Only Jacomo Milanese.

By Lord LAUDERDALE.—From your knowledge of the situation of the dining-room and the tent, could any person in the dining-room hear what passed in the tent when it was shut up?—Yes, a person might hear well, provided they were words pronounced with a certain force.

Here the examination of this witness closed, and he was directed to withdraw.

LIABILITY OF WITNESSES.

The LORD-CHANCELLOR said, that before the house separated he wished to state, that he had not failed in his duty in applying to the highest sources of information on the point how far prosecutions might be supported against witnesses examined in the course of this proceeding. He understood, most unquestionably, that those prosecutions could be maintained; but he had not put to the same sources any question as to the effect of the exercise of the privileges of the house, should it interpose to prevent the production of the necessary evidence. It was material that the public mind should be satisfied upon this matter; and another point of importance was, that in endeavouring to accomplish this purpose the house should not lose sight of its privileges. A third consideration was, that, in any resolution named on this subject, it should not be implied thereby that there would be any occasion to prosecute the witnesses. He purposed tomorrow to move the house to resolve, in effect, that if there shall be occasion for such prosecutions, the house will suspend its privileges, and not in-

terpose to prevent them; meaning, at the same time, to frame that resolution in such terms as to answer all the objects in view.

Adjourned at five o'clock.

THURSDAY, August 24th.

About a quarter before 10 o'clock the LORD-CHANCELLOR took his seat.

THIRD WITNESS.

[VINCENZO GARGIULO.]

The Counsel being introduced to the bar in the usual form, a new witness was called, viz. Vincenzo Gargiulo.

The Earl of DARNLEY made some observations on the propriety of ascertaining whether witnesses when examined had any communication with the other witnesses.

The witness was then sworn.

Mr. WILLIAMS did not intend to state any thing which might seem to arise from a wish to provoke a discussion on any question which it might be supposed their lordships had already decided; but he wished to call their attention to a point which he conceived had not yet been under their consideration and consequently not in any degree argued. He did not mean to say, that upon a witness being sworn it was competent to institute a particular inquiry respecting his creed; it was in general held sufficient that he professed a belief in a future state. But, on the other hand, cases had occurred in which the judges had held, that a person who appeared to give evidence in a court of justice ought to be sworn in that mode and with those ceremonies which were most binding to his conscience. There was a very important case on this subject in Cowper's Reports, which he should briefly mention, as it was not necessary for him to trouble their lordships with the details. It was the case of Omichund and Barker, in which a question arose, whether a person having no idea of the Christian religion could be a competent witness at all, if sworn in an English court. In considering this question, all the judges, without exception, including also the Lord-Chancellor, gave it as their opinion oaths ought to be administered to witnesses according to the ceremonies of their own religion; and they went upon this ground—that when a person was to be sworn, it ought to be with those ceremonies

which he believed most binding on his conscience. In that case, which is referred to in Cowper's Reports, the Chief-Justice and the other judges held that upon the principles of the common law, there was no particular form essential to an oath to be taken by a witness; but that, as the purpose of it was to bind his conscience, "every man of every religion should be bound by that form which he thinks will bind his conscience most." If a Chinese, or a Gentoo, or a Mahometan, took an oath according to the forms of English courts, he probably would not think it the most binding to his conscience. He conceived that this view of the subject was very important; for if a witness were sworn in a way different from that to which he is accustomed in his own country, the effect might be that of relieving his conscience from the actual obligation of an oath. It was therefore proper, whatever might be the religion of the witness, whether Chinese, Gentoo, Mahometan, that he should swear in the manner which was likely to be most binding on his conscience.

The LORD-CHANCELLOR observed, that if the witness believed the form in which he was sworn binding on him to speak the truth; that was sufficient, and he could not be examined on that point further. If he did not believe in a future state, in that case he would not be a competent witness at all.

Mr. WILLIAMS admitted that, generally speaking, no farther question could be put, if the witness acknowledged the oath he took to be binding. He knew that Mr. Justice Buller had refused to allow a witness to be asked whether he believed in the Gospel when he had acknowledged that he believed in a future state: but this did not apply to the present objection. He apprehended that the counsel in this important case had a right to inquire of the witness whether, according to the mode of swearing in his own country under the forms of law to which he was accustomed, there were not certain ceremonies which he believed to be essential to the administration of an oath, and the want of which would be regarded by him as an important deficiency. It surely would never be thought sufficient to swear a Gentoo upon the Gospel. He thought, therefore, that he might be permitted to ask

the witness whether he did not think the mode of administering an oath in his own country necessary. He did not mean to impugn the witness's religious belief: he only wished to know whether, in the language of Chief-Justice Parker, in the case to which he had referred, the witness had been "most solemnly sworn."

Mr. BROUGHAM quoted the case in *Cowper* to which we have already referred. Lord Mansfield, in citing the case of *Omichund and Barker*, had stated that the principle was then admitted, that every man of every religion should be bound by that form which he thought would bind his conscience most. He would suppose the case of an Englishman in Turkey or in China called on to give evidence in a criminal case; as a Chinese some years ago had been at the Admiralty sessions held at the Old Bailey. On that occasion a porcelain saucer was given to the Chinese, which he held up; and on some words being repeated by the interpreter, he threw it down and broke it. This was the form of the most solemn imprecation in his own country, and on that account the judges held it to be a proper mode of an administering an oath. Now suppose an English seaman were to have a saucer put into his hand in a Chinese court, and were desired to go through such a ceremony as that to which he had alluded, would it be reasonable to regard that mode of administering an oath sufficiently solemn in his eyes, because, from respect to the court, or from other motives, he did not object to be sworn? He might indeed think the oath binding, but would it not be wiser in the Court to swear him, not in the manner which he said was sufficient, but in that which they knew he held to be most binding to his conscience?

The LORD-CHANCELLOR wished the counsel to state to the house the nature of the questions they wished put to the witness.

Mr. WILLIAMS wished him to be asked whether he had ever been examined as a witness in his own country. If he had not, whether he had ever seen any person so examined; whether there were any ceremonies used in his own country in administering an oath which had not been observed here, and which he thought binding on his conscience.

The LORD-CHANCELLOR, after

consulting for some time with the judges, said that the witness might be asked whether he considered the oath which had now been administered to him finally binding on his conscience; but that no other questions could be asked.

Lord ERSKINE agreed that the legal question was, whether the oath taken by the witness was binding on his conscience? His lordship stated, in illustration, a case in which he had been himself concerned; but the particulars could be collected below the bar.

Mr. BROUGHAM wished it to be understood that the objection was not made because it was expected the witness might say he was not bound, but because it was desirable to ascertain whether there was any other form by which he might be more bound.

Lord ERSKINE, as we understood, thought that it might be asked the witness whether the oath he had now taken, or any other, would be most binding.

Earl GREY proposed to have it put to him whether any other form of oath would be more binding on his conscience.

Lord REDESDALE said, if the mode in which the oath had been administered to the witness was wrong, then all the foreign witnesses that had given evidence in courts of justice, in his experience, had been improperly sworn.

Earl GREY proposed to refer it to the judges whether the witness might not be asked if there was any other mode of swearing which he thought more binding on his conscience.

The LORD-CHANCELLOR put the question in this form—Whether, in a witness has been asked in the courts below whether he considers an oath which has been administered to him binding on his conscience, he can also be asked whether any other mode would be more binding.

Lord ERSKINE and the LORD-CHANCELLOR made a few observations which we could not hear. The latter alluded to the case of a witness objecting to the form of the oath himself, as had sometimes been done by persons from Scotland who refused to kiss the book. Here, however, the witness made no objection to the form.

The Earl of LIVERPOOL believed that questions could only with pro-

priety be put to a witness when he himself refused to take the oath. It appeared to him, that it would be quite irregular to put any question of the nature proposed when the witness made no objection to the form of the oath himself.

Here there was a cry of "Go on! go on!"

The question being delivered to the Judges, they withdrew to deliberate.

The Earl of DARNLEY expressed an anxious desire to know whether any adequate means were taken by those who had the care of the witnesses to prevent their association and intercommunication after their examination at the bar. He thought it highly desirable that a witness going from their lordships' bar should not be suffered to converse upon the evidence he had given among the other witnesses who had not been examined.

The Earl of LIVERPOOL replied, that he could not see how it was possible so to keep the witnesses as to prevent their associating together occasionally; all that could be done was done; which was, to separate the parties as much as was possible, and the person who had the care of each set of witnesses to give them the strongest injunction not to converse together in any manner upon the subject of this trial, or any evidence connected with it. He was perfectly sure nothing else could be done beyond what he had mentioned.

The Earl of DARNLEY said he was not convinced by what had fallen from the noble earl but that still some arrangement might be adopted to promote the object he had in view. Surely the examined could be kept apart from the unexamined. Injunction without separation he considered perfectly useless. If it were not right and practicable to keep the witnesses separate, the solemnity of an injunction to them not to converse upon the evidence was ludicrous. The real object could never be effected but by separation, and he still thought that was practicable.

The Earl of LIVERPOOL persevered in repeating, that it was absolutely impossible to carry into effect that complete separation which the noble earl called for. To ask the witnesses on either side not to associate together in any manner was altogether impossible. Let their lordships just

consider for a moment the ordinary course respecting witnesses at the common assize. Did they not always find that the witnesses at either side, if they came from the same part of the country, generally associated together at the same inn? In fact it was quite unavoidable. The advantage or disadvantage of the practice, whichever way it turned, was mutual; both sides of course had it. There was nothing else than an injunction to the witnesses which could be accomplished; for an absolute separation, so as to exclude the possibility of their conversing together at one moment or another, and more particularly when applied to strangers, was, he must repeat, altogether impracticable.

The Earl of DARNLEY said, that the only answer he had to give the noble earl's attempt at making any analogy between what was done here with witnesses, and what was done at the ordinary assize, was this—that there was no resemblance between the present mode of proceeding and any other which ever took place.

The Earl of ESSEX trusted that as much care as was possible should be taken to prevent the witnesses from conversing respecting the evidence already given.

The Earl of LIVERPOOL said, they were already enjoined to abstain from conversing respecting it.

The Earl of HARROWBY concurred in opinion with his noble friend who spoke last, that an absolute separation of the witnesses was actually impossible. The inconvenience alluded to was certainly mutual, and utterly unavoidable.

The Earl of DARNLEY could not help trespassing upon their lordships with one word more. Two individuals had been already examined; ought not their lordships to state that they should be separated from the other witnesses at present? He trusted, at least, that Theodore Majocchi should not be permitted to have free intercourse with Madame Dumont (a laugh), of whom he had spoken in his evidence. He merely wished that they should not be permitted to communicate together.

The LORD-CHANCELLOR said he should take this opportunity of submitting to their lordships such a resolution as he had mentioned yesterday. He would read it, and their lordships could then determine upon its appli-

cation to the purpose for which it was framed.

On the motion of the LORD-CHANCELLOR, the following resolution was agreed to :—

“That in case any prosecutions shall be commenced in any courts after the conclusion of the proceedings in this house, touching the bill entitled ‘an act’ (reciting the title), against any witness or witnesses who shall have been examined at the bar of this house in support of or against the said bill, touching any testimony given by such witness or witnesses at the bar of this house in respect thereto, this house, any privileges of this house notwithstanding, consents that evidence may be given thereof in any such prosecutions, and also that evidence may be given of all such proceedings of this house, touching the said bill, as may be required to be given in the said courts in support of, or in defence, in such prosecutions.”

The judges returned after an absence of twenty minutes, and the Chief-Justice of the King's-Bench (ABBOTT) informed the house, that the judges now present had considered the questions submitted for their opinion by their lordships, viz.—

“If a witness produced in the courts of law, without objecting to it, takes the oath in the usual form in which it is administered, he can be asked whether he considers the oath he has taken as binding upon his conscience?—and whether he can be asked, whether any other mode of swearing would be more binding on his conscience than the oath he has taken?”

The judges were of opinion, respecting the first question, that, although a witness should have taken the oath in the usual form, he may, nevertheless, be afterwards asked whether he thinks it is binding upon his conscience. But that, if the witness shall answer in the affirmative, that he thinks the oath he has so taken is binding in the manner in which it has been administered to him, he cannot then be asked if any other mode of administering the oath would be more binding. The judges were of opinion, that if a witness says he believes the oath to be binding in the manner in which he has taken it, he in fact solemnly swears to speak the truth in his evidence; he appeals to the Divine Being for the truth he is about to utter; and

having done that, it is unnecessary to inquire respecting any other mode of swearing.”

The CHIEF-JUSTICE, in delivering this opinion, said that the judges had, in considering their opinion, had occasion to consult the authorities in some of the books, which was the occasion of their having detained their lordships a short time longer than they otherwise would have done.

The examination of the witness was now commenced by the SOLICITOR-GENERAL.

Were you master of the vessel called *La Industria*?—Yes.

Are you also the owner?—Yes, I am also the owner, but she is no longer called the *Industry*, but *Abramo* (*Abraham*).

Was she engaged to convey the Princess in her voyage from *Angusta* to *Tunis*, and to *Greece*?—My polacre was hired at *Messina*, where she was armed, and her Royal Highness embarked at *Angusta* for *Tunis* and *Greece*.

Before her Royal Highness embarked, had the arrangement of the cabins been made by you?—Yes, at *Messina*.

Tell me whether the Princess and *Bergami* came on board at *Angusta* before they embarked, for the purpose of seeing the disposition of the cabins.

Mr. WILLIAMS objected to this mode of putting the question. Surely the Solicitor-General could obtain an answer without putting a question in a leading form. How could the witness know for what purpose the Princess and *Bergami* came on board?

The SOLICITOR-GENERAL disclaimed any intention of putting a leading question, and then asked the witness,

Did the Princess and *Bergami* come on board, and where?—They did, at *Angusta*.

Did her Royal Highness view the arrangement of the cabins which had been made by the witness?—Yes, the Princess did.

Did she make any alteration in your arrangement?—Yes, she ordered a dining-room door to be closed, which I had left in its common state.

Before that, how many doors entered into the dining-room from the body of the vessel?—Two; one to the right, the other to the left.

Which of the two did she order to be closed?—That on the left, as

you look towards the prow of the vessel.

In what way was that door closed?
—It was nailed up fast.

Was there any cabin contiguous to the dining-room where that door was nailed up?—Yes, there was.

Where was that cabin to which you allude?—It went on a line or in the direction of the left side of the ship.

Who occupied the cabin near the door which was nailed up?—Bergami.

Was there any other cabin?—Yes.

Who occupied that?—The two maids Dumont and Brunette.

Who occupied the cabin at the opposite side of the door that you say was left open?—Bergami; that was his.

Was there any mode of going into the dining-room from the body of the vessel, save by that door which was open near Bergami?—There was; the end of the ladder from the deck went into it, and the door which led to Bergami's room.

Ask him whether the ladder went directly down into the dining-room, or was there a door at the foot of it?—The ladder came into the room; but at the top of the hatchway was a door, which, when willing (a laugh) might be shut up.

You mean to close the hatchway?
—Yes, to close the hatchway, and stop all communication that way.

When that hatchway was closed, was there any door into the dining-room?
—No.

Beyond the dining-room towards the stern of the vessel, how many cabins were there?—There was one room, divided, as I have mentioned, for the Princess, and for the maids of honour.

What sort of bed was the Princess's? was it single or double?—It was double. Two sofas joined together, about six or seven palms and a half (about six feet and a half).

Where was Bergami's apartment?—He first slept in a cabin two nights, but afterwards he slept in the dining-room, upon a sofa, on the right hand.

Was it so situated that a person in the Princess's bed, lying down, could be seen from it?—Yes, if the door was open.

How many English feet, or about how many, were the beds asunder?—Ten or twelve feet I should think.

Did any body sleep in and beyond the dining-room, towards the stern,

except the Princess, the Countess of Oldi, and Bergami?—No; Bergami slept in the dining-room, the Princess in the room on the right hand, and the dame d'honneur on the left.

Did this occupation continue during the greater part of the voyage?

Mr. WILLIAMS objected to this mode of putting the question. It was to lead the witness.

The SOLICITOR-GENERAL said, that wherever any question was material, he was anxious to avoid leading the witness.

How long did that occupation of the births continue?—In June the Princess came on board; at the departure from Constantinople, the weather coming warmer, the Princess chose to sleep on a bed in a tent on the deck. Seven horses and two asses were taken on board and put below about that time.

What bed or beds were placed on the deck under this tent of which you have spoken?—A sofa for the Princess, and a travelling bed of her Royal Highness's was put up for Bergami.

Did Bergami sleep there?—Yes; under the tent, together (insieme) with the Princess, in two different beds.

The interpreters did not seem to agree upon the translation of the witness's answer, and the counsel interfered, when

The Marchese di Spinnetto (the interpreter examining the witness) said that the word used by the witness was *insieme*, which was an adverb, and did not mean at all to imply that the parties were sleeping together; it was therefore that the witness added, "in two different beds;" *insieme* also meant "likewise."

The question was repeated to the witness, who answered, "Bergami slept under that tent where the Princess slept; they had two different beds."

Here a Peer observed, that the Queen's interpreter seemed constantly to talk to the other.

Mr. BROUGHAM said it was his duty to do so in obedience to the order of their lordships, who desired the one interpreter to act as a check upon the other.

It was replied by the Peer who made the remark, that when the check was to be given, it ought to be formally given, so as to attract the attention of their lordships.

How long did Bergami continue to

sleep in such a manner?—Until they landed at Porto Lanzo.

Ask him whether at night the tent was open or closed?—At night it was closed as a pavilion.

Who usually closed it?—I was commanded to close it, and I commanded others.

Was it so close as to exclude any person outside from seeing what passed within, or was it partially open?—It was quite closed; when I could not close it with curtains entirely, I did it with other pieces.

What do you mean by saying with other pieces?—I mean with other pieces of the same material as the tent.

When was the tent usually opened in the morning to admit air?—I think about eight o'clock.

At the times when the tent was opened, the witness being present, where was Bergami?—Under the tent, coming out.

Was he entirely dressed, or in what manner?—I have always seen him entirely dressed.

In what species of dress have you seen him?—Upon deck he went in a Grecian dress of silk, which he bought at St. Jean D'Acree; when he went on shore he was dressed in a coat, or as a colonel.

After the tent was closed at night in the manner you have described, was any light, generally, or occasionally, left in it?—No.

I am not asking you whether a light remained in the tent during the night, but whether there was a light there at the time when it was closed?—When the tent was closed there was a light; if it was light airs or no wind, the light was given out on deck; if it blew strong, the light was carried away by the ladder.

Can you remember who was in the habit of taking the light from out of the tent at the time it was so delivered out?—Whoever was present: sometimes I took it myself.

To the best of your recollection, how long did the light commonly remain within the tent after it was closed?—Ten or twelve minutes, perhaps; a little time.

Do you know who commonly handed out the light?—Bergami.

Do you remember whether, in the day time, the Princess sometimes sat or lay on the bed under the tent?—

Often. She ordered that the tent might remain as a pavilion; because in the morning it was raised as a ceiling.

Where did the Princess take her siesta?

The interpreter professed himself unable to explain the term siesta.

The witness has said that the Princess often lay upon the bed under the tent during the day: did she do so after dinner?—Yes.

Have you ever seen Bergami there at the same time?—Yes.

In the day?—Yes.

Have you ever received directions in the day-time, when the Princess and Bergami were under the tent, to close it?—Yes.

Have you closed the tent, by direction, when the Princess and Bergami were within it?—Yes.

I have asked if you did this after dinner; have you done it frequently, or only seldom?—In a day I cannot say frequently or seldom; but in a week three or four times.

With Bergami and the Princess both inside the tent?—Yes, both.

Can you tell us how long, upon such occasions, the tent remained closed?—Sometimes a quarter of an hour; sometimes half an hour, or an hour.

In closing the tent upon those occasions have you ever seen the Princess and Bergami both upon their beds?

Mr. WILLIAMS objected. The question, he thought, should be, where have you seen them?

The SOLICITOR-GENERAL had no objection to put two questions instead of one, if Mr. Williams wished it.

At the time of so closing the tent he has seen the Princess upon her bed?—Sometimes upon the bed, and sometimes standing.

And Bergami?—For the most part lying upon the small bed.

Did you close the tent, leaving them so?—I did.

Have you afterwards seen Bergami come out of the tent?—Yes.

In what position have you seen Bergami lying upon the bed? On his back, or on his side, or how?—Upon his back.

Do you remember, upon any occasion when Bergami was so lying, receiving directions from the Princess to close the tent?—I remember that Bergami was lying on his back upon the

bed, and her Royal Highness sitting near him: Schiavini was walking near the tent on the opposite side; he received orders from the Princess to close the tent, and delivered those orders to me.

And, in consequence of those orders, you closed the tent in the manner you have described?—Yes.

Do you remember Bergami afterwards coming out of the tent?—Yes.

In about how long?—At different times; sometimes a quarter of an hour, half an hour, an hour.

But I ask, if upon the particular occasion to which he has referred, that of being directed by Schiavini to close the tent, he remembers Bergami coming out, and how long it was before he came out?—About a quarter of an hour.

Did the Princess ever take a bath on board the vessel?—Yes.

More than once?—More than once.

Do you remember her going below for that purpose?—Yes.

Who went below with her?—Bergami.

Upon all the occasions when the Princess went below to take the bath, was she or not accompanied by Bergami?—Always, not only for the bath, but for every thing she did. For any other thing she did.

Were there any other occasions which rendered it necessary for the Princess to go below?—The greatest reason was for going to the ———, which was below.

And for whatever purpose the Princess went below she was accompanied by Bergami?—Yes.

Have you ever seen Bergami sitting upon deck?—Yes.

Have you ever seen the Princess with him there?—I have. I have seen Bergami sitting upon a gun, and the Princess sitting upon his knee, and kissing each other.

Has this kissing, to your knowledge, happened once or more than once?—I saw it more than once.

When the Princess walked, whose arm did she take, or did she take the arm of any one?—She took for the most part the left arm of Bergami; nay, always, for I never saw her take the arm of any one else.

Did you ever during the voyage see any jokes or tricks played by Bergami?—I have.

In the presence of the Princess?—Yes.

Can you describe what you allude to?—I saw him put some pillows or cushions under his Grecian robe, to make her Royal Highness laugh.

Upon what part were those cushions placed?—Upon his belly.

Do you know what that was intended to imitate?

Mr. WILLIAMS had no objection that the witness should describe facts as long as the Solicitor-General pleased; but to draw inferences was, he apprehended, the province of their lordships.

The SOLICITOR GENERAL thought his question a fair one.

The LORD CHANCELLOR.—Ask the witness if he knows what was meant to be represented.

Do you know what was meant to be represented?—He wanted to play some apish trick to make her Royal Highness laugh, and the people who were present.

The SOLICITOR-GENERAL.—That is not an answer.

Mr. WILLIAMS.—It is not the answer, I suppose, which my learned friend wants; and in that case, of course, the question must be put again.

Do you know what those cushions were intended to imitate?—As far as I know, it was buffoonery.

After the tent was erected upon deck, where was the Princess in the habit of dining?—Under the tent.

Who commonly dined with her?—Generally, Bergami.—Always Bergami.

Did the Princess and Bergami commonly dine alone or with some other person?—Sometimes they dined alone; sometimes with William Austin, who was reported to be the son of the Princess.

How was William Austin called, either by the Princess or in her presence?—Some called him "William," some called him, "the young Prince," and sometimes I have seen the Princess when he was going to bed give him some token of affection, as a mother would give her child.

While the Princess and Bergami slept under this tent at night, where did Victorine sleep?—The room of the maids contained two beds, and when the Princess went to sleep in the tent, one of the maids slept in the former room of the Princess, and Victorine with her.

That was in the cabin of the Prin

cess, below, adjoining the dining-room you before described?—Yes.

What is the Christian name of Bergami?—Bartholomew.

Do you remember the festival of St. Bartholomew occurring in the course of the voyage?—I remember it was on the voyage from Syracuse to the Holy Land; and there was a general illumination as far as possible in the ship. Bergami made the crew merry, and they got drunk: he gave a dollar apiece to each of the sailors.

Do you remember any shouts?—Yes, when the sailors were drunk they shouted, *Yiva Carolina! Yiva Bergami!*

During this time, what were the Princess and Bergami doing? were they together?—Bergami was walking the deck, applauding the sailors; the Princess was sitting under the tent, which was raised like a ceiling.

Do you remember if the Princess was walking about at that time?—I remember her also walking, for she could not always be sitting.

With whom did she walk?—With Bergami.

Did they walk side by side, or arm in arm?—Arm in arm.

Do you remember Bergami landing at Terracina?—I saw him embark in the launch which I sent on shore; and I saw the launch return without him.

How long was he absent?—Three days.

What time of day or night was it that he returned;—During the night, at Porto Lanzo.

Can you mention the hour?—Ten o'clock.

Was the Princess on board at that time?—She was on board, sitting under the tent.

Where did Bergami go on his coming first on board?—The Princess went to meet him at the top of the ladder, and they both went under the tent.

Was the tent afterwards closed?—They supped together. Afterwards the tent was closed, and they went to lie.

Did they remain in the tent all night?—Yes.

Did the witness go on shore at Jaffa or at St. Jean d'Acre?—I have landed at both places.

Did you go on the journey to Jerusalem?—No.

No part?—I saw her Royal Highness mount, and then I went on board.

At the return of Bergami on board the vessel, do you remember whether he had any new order or title on his return from Jerusalem?—Yes; the Order of St. Sepulchre.

Any other?—No; but on board was created the order of St. Caroline, which had been spoken of at Jerusalem.

Do you know, from any thing which you have heard, either from the Princess, or in her presence, what rank Bergami had in the order of St. Caroline?—He was Grand Master of the order.

Have you ever been examined in Italy by any person as to the conduct of the Princess and Bergami during this voyage?—Yes.

At what place?—At Milan.

Do you know the name of the gentlemen by whom, or before whom, you were examined?—By the Advocate Vimercati, in the presence of Colonel Brown.

At what time were you examined?—In December last.

Where did you go after your examination?—To Naples.

Did you go upon your own affairs?—Yes.

Were you afterwards applied to to come here?—Yes.

Where were you at that time?—At Naples.

When were you applied to?—On the 21st of June. I thought the journey too long for my health, having the gout; and I presented to the ministers a certificate of two physicians, in order to exempt myself. The ministers commanded me to come, and also made me to be commanded by the minister for foreign affairs, the Marquis Chirnalia.

Mr. WILLIAMS objected to these questions, as being proper only in re-examination.

THE LORD - CHANCELLOR thought that the questions had better not be put.

THE SOLICITOR-GENERAL would only put one question more. Where is your vessel now?—On a voyage from Apulia to Naples.

CROSS-EXAMINATION.

Cross examined by Mr. WILLIAMS. —When did you leave the ship in order to come here?—I have left off sailing, and given myself to trade, so that my ship was loaded on my own account,

and that ship is now commanded by another captain.

What ship do you allude to?—The same ship that carried her Royal Highness.

What is the name of the captain?—The ship is now commanded by Giacomo Pallusterzo.

If I understand the witness rightly, he is now a part owner, or owner of the vessel, and not the captain?—I am owner of the ship, and when I came here half the cargo was my own.

If I understand him, he said that a certain person, whom he named, is captain of that vessel now?—Giacomo Pallusterzo is captain, the person whom I have appointed.

I desire the witness to say, from what place in Italy he did come to England?—I came from Naples.

Is that the place to which you belong? is that your town?—Naples is my native country, but I dwell at Porto Sorrento, a place on the coast.

Say who it was that asked you to come here.—The podesta (governor) sent a messenger to bind me, because my commercial affairs called me to Naples.

Did you see the British minister at Naples?—I did.

Name him.—Sir Wm. A'Court: he is the English Ambassador.

Did you receive any promise of remuneration?—Yes, I have.

I want to know whether it was at the Minister's?—During the five days I had been at Naples endeavouring not to come here, I told all my circumstances to the Minister; and the Minister, being convinced of my situation, agreed to allow me 1,000 dollars a month; but I have already lost 4,000. The cargo I had discharged at Reggio has not sold at the price for which it ought to have sold. I had, besides, advanced money at Manfredonia to buy another cargo, which has remained unemployed; and the Minister gave me the assurance at the last moment I set out.

How often have you traded to England before?—Three months ago I was in England; never before that time. I have been here only once until the present time.

Have you received any money in advance, or is it only in expectancy?—I have received 1,000 dollars for one month. I have received one month in advance at Milan.

I understood the witness to say, that he no longer goes with the vessel, but that he has put a captain on board: how is it that the captain cannot manage the vessel without him?—The captain navigates the ship without me, but he receives his orders from me; and, until I go back, he cannot receive such orders.

How has your absence been the means of creating a loss on the cargo?—I left my ship, which had sailed from Manfredonia, to go to Reggio, where she was to discharge her cargo; and after having arrived here, I heard, that my captain had sold the cargo for five carlinis (a carlini is equal to about 10 sous) less per bushel than the regular price.

(The Interpreter stated the alleged loss to be about 25d. of this country per bushel.)

Mr. WILLIAMS—Perhaps you have made a more profitable voyage here. (Order, order.)

If you had not come to England, would that have made any difference as to the sale of this cargo? Would it have interfered with or altered the price?—Yes: for one reason, if I had not set out for England then, but continued my trade (my commercial affairs,) it would have been better; for I left my country just at the time of harvest, and I advanced money at Manfredonia to buy corn. By this time, if I had not come here, I should have gained as much as to compensate me for the loss of 8,000 dollars which I lost in 1818.

I only speak of the voyage of the ship. Can you explain how your coming here can make any difference on the profit or loss of that voyage?—Yes. I ordered the captain to sell the cargo for not less than 24 carlinis per bushel. The captain, when he arrived at Reggio, hearing I had gone away, has taken on himself to sell for 21 carlinis; and after I arrived here, I have heard that the price of corn was raised to 26 carlinis: now I am told it is nearly 30 carlinis per bushel.

Do you mean to state that your being here affects the price of corn in Italy? (A murmur through the house.)

Mr. WILLIAMS was not aware that this question was irregular.

The LORD-CHANCELLOR.—There is no objection to the learned counsel's question.

Mr. WILLIAMS observed, that it was usual for silence to be observed in

those courts with which he was familiar—in those courts where the judges presided; their lordships would therefore excuse him if he did not quite understand the interruption. *

The Marquis of DOWNSHIRE was of opinion that every indulgence and facility should be extended to the learned gentlemen who were engaged in this investigation. (Hear, hear.) It was on this occasion the duty of the house to act with the utmost impartiality. (Hear, hear.) Every part of the proceedings should be marked with the greatest possible attention; it was of essential importance to the interests of justice that the evidence on both sides should be given with the utmost clearness. (Hear, hear.)

The Earl of LIVERPOOL certainly thought, that, when any question struck noble lords to be objectionable, the objection should be openly made, instead of manifesting any expression of feeling. A contrary course made that sort of impression on those who were not accustomed to their lordships' proceedings which created embarrassment. He was sure that no intention existed, on the part of any noble lord, to produce such an effect. But he conceived that their lordships ought to have a proper command over themselves, and that an entire silence should be maintained, except where a just reason for interruption could be shewn, and in that case the reason should be stated. (Hear, hear.) He made this observation, without alluding to any particular examination or cross-examination, but applied it to the whole of these proceedings. (Hear, hear.)

Cross-examination continued.—Do you mean to say, that the captain disobeyed your orders, by which you lost this sum?—That circumstance would not have happened if I had been present. It would have been an act of disobedience if I had been present; but, as I was not present, the captain had not foreseen what I would have foreseen, but suffered himself to be deceived by those who were present, and thus he made that loss.

Have you not said that you gave an order to the captain?—Yes.

Which order the captain has broken?—He disobeyed his orders immediately after he heard that I had set out from Naples for England.

I beg to know whether you mean to represent that, when you made the bar-

gain for 1,000 dollars per month, you anticipated what has happened since?—I have always foreseen evils; for I did not wish to come here, not only on account of my health, but also on account of my interest.

Can you tell us where the sale of the cargo took place?—At Reggio.

How far is that from Naples?—Reggio is on the coast of Calabria. It is 190 miles from Naples.

When did you last see Gaetano Paturzo, the person who was mate on board your vessel?

The SOLICITOR-GENERAL.—Paturzo was not the mate. He acted as pilot.

Mr. WILLIAMS.—It is of no consequence. There is only one Paturzo who has given evidence. When did the witness see him?—The last time I saw Gaetano Paturzo was here in London.

That is the place. I want the time?—Two days ago.

Did you not see him yesterday?—I have not seen him before I saw him here for 18 months.

I don't ask that question, I ask when you saw Paturzo last? The day, or the hour, or the minute?—Last night we supped together, and last night we slept together—that is to say, in two rooms adjoining each other.

You did not breakfast with him this morning?—On the contrary, I have taken my coffee with him this morning.

That is not the contrary. Had you no talk together on the evidence which Paturzo gave yesterday?—No.

Not any?—No; because Paturzo would not tell what he said; nor am I a person to state what I have to say.

Did you inquire of Paturzo what he, Paturzo, said?—No.

What then do you mean by saying that Paturzo would not tell you?—Because I knew that he came here to speak a plain truth, as I have also come to this place to say a plain truth, on which I will take my oath.

That may be very well; but I want you to answer my question. What do you mean by saying that Paturzo would not tell you what he had mentioned here if you had not asked him to disclose it?—I have said that he would not tell it; but I mean to say, that it cannot (this was afterwards explained, ought not) be told.

Did any body tell you not to speak with Paturzo about what he said here?

yesterday?—No; I told Paturzo not, myself, of my own accord, without being prompted by any person.

Do I understand you rightly? Did you tell Paturzo, "Now, mind, don't you and I say one word about the examination of yesterday?"—Yes, it is very natural. To tell to others all that we say in this house is not decent; is not creditable.

You say you told this to Paturzo of your own accord. Did you say to Paturzo, this morning, or last night, that it was not fit to talk about the business of yesterday?—Yes, I did.

Had you no curiosity to learn from Paturzo who it was that examined him? What sort of a man Mr. Attorney-General or Mr. Solicitor-General was?—It does not belong to me to ask; for all my impression was, that I was obliged to make my appearance before that gentleman.

Did you think so entirely about that, that you could think or talk of nothing else?—Yes.

Have you been in this room before?—Yes; but there was nobody here.

When were you in this room before?—On Sunday last.

Who came with you?—A gentleman brought me here to show me a curiosity: to show me where the coronation was to take place.

Was he an Englishman or a foreigner who brought you?—An Englishman.

His name?—I don't know it.

Nor his person?—I know his person.

Have you seen him since you came before their lordships this morning?—I have not.

Have you looked about you to see him?—I have not seen him.

Would you know his name if you heard it?—No; because he is a person I know by sight, but not by name; if his name were mentioned I would not know it.

How long is it since you have seen him?—I have seen him many times, but always transitorily, because I do not understand his language, nor he mine.

Did you see him abroad?—No.

Have you only seen him since you came to this country?—Only since I arrived in England.

When did you arrive in England?—On the 14th inst.

When were you examined?—I have been examined at Milan.

Have you not been examined since

you came to England?—Yes, but verbally.

Who examined you?—A gentleman whom I don't know.

Was it the same gentleman who showed you this place?—No.

I wish you would look in that corner (pointing to the place which the counsel and agents for the prosecution occupy below the bar,) and look about you, to see whether that person is present. (The witness pointed to Mr. Bouchier.)

Is that the person who showed you this place?—No; that was a person called a major domo.

The interpreter stated that the witness meant a superintendent.

What did you mean by pointing out that gentleman?—Because he examined me.

Do you see the gentleman who brought you here?—No.

Who came with you from Naples to this country?—I came with a King's messenger (Courier del Re) and my servant.

Who paid the expenses of the journey?—The King's messenger, or courier.

Before you left Naples for this country, did you know a Colonel Brown?—Yes.

Were you examined just before your departure by Colonel Brown?—No; Colonel Brown examined me in December, last year, as I have said before.

Was the lawyer Vimarcati present?—He was.

And put the questions in the presence of Colonel Brown?—Yes.

Which questions and answers were put down in writing?—I believe so.

Did you swear to the truth of those depositions?—No, I subscribed my name at the end of the paper.

Was that in the presence of Colonel Brown, and the lawyer Vimarcati?—Yes.

Have you seen Vimarcati since you were examined?—I have not seen him since, except when I passed through Milan.

Have you not seen Vimarcati since you were examined in December?—Yes.

Did you see any body else on the subject of your testimony, except Colonel Brown and Vimarcati?—No.

I mean on the subject of the Princess of Wales?—On that subject I

have seen no one but Vimarcati and Colonel Brown.

But as you passed through Milan, I understood you to say that you saw Vimarcati?—Yes.

Had the Colonel, at that time, the examination which the witness signed in December?—I did not see it.

Nor any paper at all?—No.

Has he never seen it since December?—No.

Have you never seen the examination taken in December from that time to the present?—I have not seen it. Even now I have not seen it.

Here the cross-examination terminated.

Re-examined by the SOLICITOR-GENERAL.—The witness has stated a sum he has received, and is to receive, as a compensation for his time, trouble, and loss in coming here. I ask him, according to the best judgment he can form, whether it is more or less than a just compensation for such loss?—According to my success in trade, this year, it is not sufficient for what I have lost.

Some discussion then took place among their lordships relative to the mode of examination, Lord Liverpool suggesting that one noble lord should finish his examination before another put any questions to the witness.

By Earl GREY.—What were you paid by the Princess of Wales while she had your ship?—750 dollars per month and all expenses.

You have stated that after the tent was shut the Princess and Bergami remained the whole night together; was there any other person in the tent at night?—No.

How do you know that Bergami remained there during the whole night?—Because, when the tent was covered, he remained under it.

Did you ever see him in it during the intermediate time?—No.

Was there another communication from any other part of the ship to the tent without coming on deck?—Yes, there was a communication by a ladder, which led into the dining-room.

Was it possible for Bergami to get to the dining-room by that communication without your seeing him?—It might have so happened, though the passage was small; but I don't know that he did.

LORD ELLENBOROUGH.—Was Bergami's bed ever made below, on the

passage from Jaffa to Terracina?—Never; once I remember Bergami's being obliged to go below in consequence of bad weather.

When the bad weather obliged Bergami to go below, did the Princess also go below?—Both together went below.

It is necessary to put another question—not whether a bed was ever prepared for Bergami below, but whether it was prepared for him in the dining-room?—No.

Earl of ROSEBERRY.—You stated that in blowing weather the light was taken down the ladder; do you know who took it?—Theodore or Carlino.

Lord AUCKLAND.—You said you received 750 dollars a month from the Princess; did that cover all the expenses of the voyage?—I have got much to say on that point. The freight of 750 dollars was a very low—the lowest (*pocchissimo*) allowance. I agreed for 750 dollars a month as a certainty; but when we take on board a royal personage, we trust more to uncertain than to certain profits. In these uncertain profits I was disappointed, and I made some applications, some demands for compensation; and the English government thus came to know that I am what I am.

What was the expense per month of navigating the ship, paying all charges but harbour duties?—My crew consisted of 22 persons. The wages of these, allowing them, one with another, at 10 dollars a month, make 220 dollars a month. Then provisions were very dear, in consequence of the year being steril. Then the expense of wearing and tearing was great on this occasion; for, in consequence of having a royal personage on board, I was obliged to have the sails, the rigging, and all the ship in tight order. The ship cost me 2000 dollars, and the insurance on that amount is at least 1 per cent.; and taking all these expenses together, you will find that there could hardly remain any thing out of the 750 dollars a month.

Marquis of LANSDOWN.—You have said you were disappointed of the profits you expected from taking the Princess of Wales in your ship. Did you make any application to the Princess, or any other person acting for her, on the subject of that disappointment?—To her Royal Highness I did not. When she dismissed me

from her service, I received a certificate of character from her. I was dismissed in consequence of Bergami, who wished me to carry them to Venice, which I could not do. On our departure from Rhodes, the Princess, who always commanded what Bergami commanded, ordered us to go to Venice; but on leaving Candia the wind was from the north, and, remaining in that state, our water was going to be at an end; for I had also 9 horses on board. They did wish to go to Morea, or to return to Candia, and therefore we were obliged to go to Sicily. Having lost sight of Sicily, we went to Naples; and Bergami, on landing, because he had promised 6000 dollars as a present, told me that there was no present for me, because I had not taken them to Venice. Then when I came here, I presented a memorial through my own Ambassador, Count de Ludolph, to the British government; and I stated, that as I believed I served the British government, because I had the honour of wearing the English flag, while the Princess was in my ship, I expected a present, but had not received any. In consequence of this application the English government knew that I was the gentleman who took the Princess and her suite on this voyage.

While the Princess was on board your ship, did you ever, on any pretence, order or desire the men, or any part of them, to withdraw from that part of the deck where she and Bergami were?—I don't remember that ever I did. [This answer seemed to excite some surprise.]

If you had been in the habit of ordering the mate to leave that part of the deck, is it not likely that you would remember it?—O, now I understand it. Once I remember to have seen the Princess sitting with Bergami on the bed, and to have ordered the mate to go away, as it was not decent for him to be present, he being a young man. I sent him away not to see that, which was indecent.

When you ordered Gaetano to remove, were any other persons near that part of the deck where the Princess and Bergami were?—There were all the persons walking that way, but I divided them all, and sent one one way, and another another.

Am I to understand that you desired them all to withdraw?—Yes.

Then who remained?—None but the Princess and Bergami.

Do you remember any one person in particular whom you ordered to withdraw?—There was always there Schiavini to receive the commands of her Royal Highness.

Then Schiavini did not withdraw?—No, he did not.

By another PEER.—When the tent was shut, did Victorine remain within?—[We could not collect the answer.]

Had you any means of knowing whether Bergami went away, or whether the hatchway was shut or not, after the tent was closed?—I cannot say whether the hatchway was shut or not; what I can say is, that in the morning when the tent was open, I saw the hatchway closed.

By the Earl of OXFORD.—I wish to ask whether, in consequence of the memorial presented through your ambassador, you received any present?—I have received nothing; nay, my minister and the colonel to whom I mentioned it, told me they had got nothing for me, and that I should go to London myself, and then I could see about it.

What colonel is it to whom you allude?—Colonel Brown.

[Symptoms of impatience were now expressed by several noble lords, with cries of "withdraw, withdraw."]

By the Earl of DONOUGHMORE.—You have said that, when the Princess and Bergami were together on the deck, you desired the mate to retire: do you recollect on one occasion having so desired the mate to retire, when the Princess and Bergami were seated on a gun?

Mr. BROUGHAM observed, that this was a leading question.

When you sent the mate and others away, did you observe the Princess and Bergami seated on a gun?

Mr. BROUGHAM suggested that the two questions should be put separately, and that the sending away of the mate should not be mixed up with the sitting on the gun.

Did you ever see the Princess and Bergami sitting together on a gun on the deck?—Yes, I have said so.

In what situation as to each other?—Bergami on the gun, and the Princess on his knee.

Did you on that occasion send away the mate?—Also, on this occasion, the mate and the rest. Whenever they stood to look at such things, I always

sent them away, some one way, some another.

The witness was then ordered to withdraw, and was retiring from the bar, when

The Earl of LAUDERDALE observed, that the witness had mentioned his having received a certificate of good conduct from her Royal Highness; and he wished to ask the house if the witness might be desired to produce it.

The witness was recalled, and examined by the LORD-CHANCELLOR.—From whom did you receive that paper (the certificate)?—From the Princess of Wales at Villa d'Este, when I went to her from Genoa.

Did she give it to you herself, or through any other person?—The Princess wrote it herself in my presence, and she herself gave it to me.

The interpreter being desired to read the certificate, asked if it was their lordships' pleasure that he should read it in English? (Cries of "No, no,") It was then read in the original Italian: its date was the 16th of October, 1816.

The LORD-CHANCELLOR.—Let an accurate copy of it be taken.

By the Earl of LAUDERDALE.—You state that you were ordered to let down the curtains of the tent. I wish to know whether at that time the Princess and Bergami were sitting on the gun?

[It was observed, that there were here two distinct questions, and the interpreter was desired to put them separately to the witness.]

The Interpreter.—How am I to divide the question, for it is all so put together, that I should be glad your lordships would divide it for me. (A laugh.)

The questions were then put separately, and the witness answered in the affirmative, and added, that this circumstance had happened more than once. (Order, order.)

Mr. BROUGHAM was about to make some remark, but was stopped by cries of "order."

Did you continue to walk the deck after the curtains were let down?—I did; sometimes towards the bowsprit, sometimes towards the gun-room, and sometimes towards the cabin.

At the request of Mr. WILLIAMS the following question was put by the LORD-CHANCELLOR:—Were you in the habit of going down into the

dining-room every night?—No; that was what I was not in the habit of doing.

The witness then withdrew.

Mr. BROUGHAM said he had a humble application to make to their lordships, in consequence of a communication which he had that moment received. He was anxious to ask one question of Theodore Majochi without further delay, and, therefore, he hoped their lordships would order him to be called in. He had only one question to put to him, which might by possibility lead to one or two more. (Cries of "state the question.") If their lordships would allow him to examine this witness, he should have no objection to mention the questions he proposed to put: and the first question he wished to put was, whether the witness had been at Bristol during the last season, in the course of the last twelve or fourteen months?

The Earl of LIVERPOOL wished, in such a case, that the house should be chiefly governed by the opinion of the learned lord on the woolsack, and that of the learned gentlemen at the bar; but he would suggest, whether, if this course was acceded to, which was breaking in upon established rules, counsel ought not, in the first instance, to state not only the particular question, but the object of the examination.

The LORD-CHANCELLOR repeated what he had said on a former occasion, that on an application by counsel for the farther cross-examination of a witness, their lordships would be governed by a sense of justice, and by a regard to the grounds on which the application was made. But if a witness was to be cross-examined again, he could not say whether their lordships would allow the cross-examination to be taken piecemeal or not.

Mr. BROUGHAM admitted that his application was out of the ordinary course of regular proceeding; but he pledged himself that he would never ask that witness another question after to-day until he came to open the case. At present he should satisfy himself with asking these two or three questions.

The Earl of POMFRET, from the gallery, suggested the propriety of taking the opinion of the judges. (Cries of "No, no.")

The LORD CHANCELLOR thought their lordships should allow

the questions to be put to the witness at present.

Theodore Majochi was then ordered to be called in, and a short pause ensued.

The LORD-CHANCELLOR observed, that it would be necessary that the learned counsel should state his questions to him in the first instance, and that they should be put by him to the witness. They might indeed, as far as respected the regular course of their proceedings, be stated to any Peer, and on these conditions the witness might be again examined.

THEODORE MAJOCHI was then brought to the bar, and applied through the interpreter to be permitted as a favour to assure their lordships that he was ready to lay down his life in that place, if his former testimony was not correct.

RENEWED CROSS-EXAMINATION BY MR. BROUGHAM.

Does the witness recollect whether he was at Bristol in the course of the last year, or during the present?—No, I was not.

Has he ever been at Gloucester during that period?—Yes; I know Gloucester very well.

Did you live there in the service of a gentleman named Hyatt?—Yes, I did.

Did you ever declare to any person there that the Princess of Wales was a most excellent woman?—Yes, I have said that she was a good woman.

Did you ever say to any person that her conduct was highly becoming?—I always said that she was a good woman (*büona donna*), but that she was surrounded by bad people (*canaglia*).

Did you ever state that she was a prudent woman, and that you never observed any thing improper in her conduct?—I cannot recollect at all, yes or no, whether I ever said so or not.

Did you ever state that she always behaved with the utmost propriety?—This I have never said.

Do you remember a gentleman named William Hughes at Bristol or at Gloucester?—I do not recollect him at Bristol.

Do you recollect him at Gloucester, or elsewhere?—I may have known him, but I do not recollect the name.

Do you recollect him when you are

told that he was a clerk in the house of Messrs. Turners, bankers, at Gloucester?—No, I do not know any bankers of that name.

Did you ever know or communicate with the clerk of any banker at Gloucester?—*Questo non mi ricordo.*

Did you ever complain to any one that Bergami kept back a part of the servants' wages from them?—Yes, I did; I recollect that.

To whom did you so complain of Bergami?—I cannot recollect precisely, but it was in answer to somebody who asked me why I left the Princess's service, and I remember telling Mr. Hyatt that Bergami wished to reduce my wages after a long voyage.

Did you ever say the same thing to any person besides Mr. Hyatt?—*Questo non mi ricordo.*

Do you remember Mrs. Adams, the mother-in-law of Mr. Hyatt?—Yes, I do.

Do you remember Mrs. Hughes, the housekeeper of Mrs. Adams?—I recollect the housekeeper, but do not know her name.

Had she a son in a banker's house?—I do not know whether he was in the house of any banker, or what was his situation, but I recollect his making a visit to the housekeeper.

Did you ever tell him any circumstances respecting Bergami, or respecting your own wages?—I cannot recollect precisely yes or no.

Did you tell him that the Princess of Wales was an excellent and prudent woman, and that you had never seen any thing improper or indecorous in her conduct?—*Questo non mi ricordo.*

You are not sure that you may not have said so?

The ATTORNEY-GENERAL was, we believe, about to object to this course of examination, but was interrupted by general calls of "Go on."

Did you ever state that the Princess of Wales had, as far as you had seen, always conducted herself most properly?—*Questo non mi ricordo.*

Did you ever travel in a stage-coach from Gloucester to Bristol, or from Gloucester to any other place?—I have never travelled in a stage-coach from Gloucester except to London.

Did you never perform any other journey in a stage-coach since your arrival in England?—No, I recollect no other.

Did you ever state to any person in

a stage-coach, any thing with regard to the deportment of the Princess of Wales whilst you were in her service?—*Questo non mi ricordo.*

Did you say that she had always behaved with great prudence?—*Questo non mi ricordo.*

Did you represent her to be a much-injured woman?—No; no more than I did yesterday.

Did you state to any one in a coach, or elsewhere, that you had been applied to to swear against her?—I do not recollect that I ever spoke upon the subject.

Did you represent in a stage-coach, or elsewhere, that application had been made to you to swear against the Princess of Wales?—I do not understand the question.

Did you ever say you had been asked whether you would swear against her Royal Highness?—I do not know what is meant by swearing (*jurare*).

Did you state to any person in England that you had been applied to, to make a deposition, or give testimony on oath, against the Princess?—

The Interpreter for her Majesty (*Benedetto Cohen*) said he found it difficult, if not impossible, to explain to the witness's understanding what was meant by being "applied to."

Did you ever say to any person in England that you had been asked to give an account on oath respecting the conduct of the Princess of Wales?—(With great emphasis) No, in England I was never asked.

The question is not whether the witness was ever asked in England to give an account, but whether he ever said in England that he had been asked?—(No answer.)

The SOLICITOR GENERAL said he hoped their Lordships would permit him to offer a single remark on the course of examination now pursued by his learned friend. He understood their lordships to have laid down, as a rule, that the examination of witnesses should be conducted according to the mode adopted in courts below. He conceived the object of the questions now put to the witness was to elicit denials as to statements made by him, which denials would afterwards be contradicted by another witness. It was the practice on all occasions of this kind, in the courts below, to mention at once the name of that witness with

whom the supposed conversation had been held.

Mr. BROUGHAM submitted that such a rule could not be uniformly acted upon. It must be necessary sometimes to conceal the name of the person who was to prove the falsehood of a witness, as the witness would be put on his guard if he had reason to believe that that person was forthcoming.

The SOLICITOR GENERAL observed that his learned friend was totally unacquainted with the rules of the courts below.

Mr. BROUGHAM retorted the imputation. The Solicitor-General appeared to him unacquainted with those rules, as well as with the first rule of all judicial proceedings, which was, not to interrupt an adversary before he had concluded his observations. He apprehended that his learned friends who were with him on this occasion had as much experience and knowledge of those rules as the Solicitor General, and he should therefore consider the rule which the Solicitor General attempted to establish as a mere dictum of his own. It might be very well to observe such a rule on particular occasions, but in a case of this kind it would prevent the most perjured witness from being detected. He confidently appealed to their lordships, notwithstanding the monopoly of legal learning claimed by the Solicitor General, whether he was not entitled to draw from the witness declarations that he had never made this or that statement to any person, and then to produce, for the first time, A or B, to whom such declarations had been made.

Lord ERSKINE said a few words, but in so low a tone as to be inaudible below the bar.

The LORD CHANCELLOR was inclined to think that the ordinary rule was, to mention, in the first instance, the name of the person to whom the witness was supposed to have made certain communications. He would not, however, pledge himself to the affirmation. It was certainly obvious that a very honest man might forget generally that he had or had not stated a particular fact, and yet recollect it when he heard the name of the individual to whom he had made the statement. This he did not consider

could throw any slur on the testimony of such a witness. He had had no experience in proceedings at Nisi Prius for the last 25 years, and did not know what rule was now generally adopted: but in his time such a rule would have been thought fair and reasonable.

Mr. BROUGHAM said he merely protested against the universality of its application. He would, however, at once mention the name of the individual.

Did you ever say to Mr. Johnson that you had been applied to to become a witness against the Princess of Wales?—I swear I do not know either the name or the thing mentioned.

Did you ever tell any person that you had been so applied to?

The LORD-CHANCELLOR suggested that the question would perhaps be rendered more intelligible to the witness, if it were put in this form;—"Did you ever say, 'I have been applied to to appear as a witness against the Princess of Wales,' or words to that effect?"

The question was accordingly so put. (In a loud and passionate tone.) Never.

Did you ever say to Mr. Johnson, in the stage-coach, "I have had great advantages offered to me if I will be a witness against the Princess," or words to that effect?—(With violent gesticulations.) I will lay down my life there (pointing to the space within the bar,) if such an offer was ever made to me.

Mr. BROUGHAM.—That is not an answer; let the question be explained to him.

The Interpreter here expressed a hope that their lordships would permit him to use any words, and to exercise his own discretion as to the form and manner of stating and endeavouring to make intelligible the questions to this witness.

The preceding question was again put.

I will lay down my life if I ever made any discourse about appearing as a witness, or about any oath.

Did you any where in England hold such a discourse with any body?

[A considerable time, now elapsed, and various explanations were had between the Interpreter and witness before the latter could understand the full and precise meaning of this question.]

He at length answered in the negative.

Did you ever state to Mr. Johnson, in a stage-coach, that you had been offered a sum of money, or a situation under government, if you would give evidence against the Princess of Wales?—How could I say so to him, when I did not know his name?

Did you ever say to a Mr. Johnson, in a stage-coach, that you had been offered a sum of money, or a place under government, for the evidence you were to give against the Princess?—To you I will answer no more: you ask me things that never entered my head—things I never dreamt about.

By the LORD-CHANCELLOR.—Had you ever any conversation in England with any person in a stage-coach about giving evidence?

Mr. BROUGHAM submitted that that question ought not to be put at present:—he asked.—

Had you ever any conversation with any body in a stage-coach respecting her Royal Highness the Princess of Wales?—I never have spoken about the Princess of Wales in any diligence.

Did you ever speak about the affairs of the Princess in the course of any journey you had in England when travelling in a diligence?—Never about the affairs of the Princess of Wales. I never meddled with those discourses.

Did you ever at an inn or in a diligence on a journey in England say that you expected money or a place under government for giving evidence against her Royal Highness?—Never! Never! (with vehement action.)

How long were you in England when you were here before the present time?—The first time one night.

How long were you in England at that period when you lived with Mr. Hyatt of Gloucester?—Non mi ricordo, because I have not the book in which I entered it.

About how many months were you in Mr. Hyatt's service?—I cannot tell, because I have not the book in which I put it down.

Mr. BROUGHAM thanked their lordships for the favour they had granted him.

THE SOLICITOR-GENERAL wished to put a few questions to the witness.

The LORD-CHANCELLOR decided that the interrogatories just closed being in the nature of a cross-

examination the counsel on the opposite side had a right to ask some questions on what had just passed.

Did you come from Vienna to this country as servant to Mr. Hyatt?—Mr. Hyatt brought me here.

Did you continue in his service till you set off for the purpose of returning to Vienna?—Yes, till that moment; he paid the fare of the coach for me on my return.

By Lord ELLENBOROUGH.—When you spoke of her Royal Highness as a *buona donna*, a prudent woman, did you refer to her moral conduct as a woman, or to her behaviour to you as a mistress?—When there was discourse respecting the Princess of Wales, I always said that she was a *buona donna*; because, if I had said that she was a *cattiva donna*, a bad woman, they would have fought me—knocked me down. (Laughter.)

Mr. BROUGHAM here remarked that his object in recalling Theodore Majochi was not to cast any imputation upon any quarter for any offers made to him, but with a perfectly different view. It still remained doubtful whether, by *buona donna*, the witness meant a kind, or a prudent, good, and virtuous lady.

Majochi having withdrawn from the bar.

Lord GRENVILLE said he did not think the witness had used any word equivalent to the expression of the Interpreter, “fought me—knocked me down.”

The Interpreter replied, that the witness had used the word *attaccare*, which meant to knock down, though *attaccar lite* meant to quarrel, or to pick a quarrel. He had rendered the sense with the assistance of Mr. B. Cohen the Interpreter on the other side, whose aid he had requested, for greater accuracy, when Majochi was recalled.

Mr. BROUGHAM added, that the witness had employed the phrase *attaccar lite*, which might have nothing to do with fighting or knocking down.

Mr. Cohen explained *attaccar lite* to mean to dispute, and admitted that the witness had used it.

Lord ELLENBOROUGH repeated the terms in which he had put his question, and gave it as his opinion that the Interpreter had given too much force to the meaning of the witness.

After a single remark from Lord GRENVILLE the answer was amended, on the notes of the short-hand writer.

The Earl of LIVERPOOL moved the adjournment of the house as it was half past 4. (Go on, go on.) He had no objection to proceeding, but he doubted whether any thing could be gained by calling another witness to-day. (Go on, go on.)

FOURTH WITNESS.

[FRANCISCO DI ROLLO.]

Francisco di Rollo was accordingly put to the bar and sworn: he was examined by Mr. J. PARKE.

What countryman are you?—A native of Piedmont.

In whose service are you now?—The Marquis of Ciesa.

Were you at any time in the service of the Princess of Wales?—Yes.

In what capacity?—As cook.

In what year did you enter her service?—It was when she came from Venice; but the year I do not remember.

How long did you continue in it?—Nearly two years, not quite.

By whom were you hired to go into the service of the Princess?—By Signor Bergami.

Were you acquainted with Bergami before that time?—Yes.

What was Signor Bergami when you first knew him?—He was in the same service with me.

Was that the service of General Pino?—Yes.

In what capacity was Bergami acting in the service of General Pino?—As valet: he used to come down into the kitchen to fetch the dishes to be put upon table. Afterwards he took the situation of courier.

How long were you in the same service with Bergami?—I was in the service of Count Pino, and he was in the service of the countess. (Laughter.)

How long had Bergami been in the service of the Countess Pino?—I cannot tell, because I went out of the service of General Pino.

How long was he in the service of the Countess Pino?—I do not know, because, when I went into the service of General Pino, Bergami had been in the service of the countess.

How long were you in the service of General Pino?—I served him three years; one when he was minister at war, another at Moscow, and the third I do not call a service.

Was Bergami in the service of the Countess Pino all three times when

you served General Pino?—Yes; the only difference was, that I was paid by General Pino, and he was paid by the countess; but we were in the same service, and dined together.

How many years had you known Bergami before you went into the service of the Princess?—I do not know: I had served another master.

At what place were you taken into the service of her Royal Highness?—When she went to live opposite the Plaza Borromeo, when she came from Venice the first time.

Were you with her at the Villa Villani?—Yes.

At the Villa d'Este?—Yes.

Did you accompany her on her voyage to Greece?—Yes.

Did you act as cook on that voyage?—I did, but not on board the *Clorinde* and the *Leviathan*.

Did you return with the Princess from Greece into Italy?—I did; but, before I returned, I performed the office of cook on board the *polacre*.

Were you at the Barona?—Yes.

At what place did you leave the service of the Princess?—At the Barona.

For what reason did you leave the service of the Princess?—Because it was the brother of Bergami who persecuted me, and then I could not stand the labour.

What do you mean by "could not stand the labour?"—Because there was too much work.

Do you recollect where the Princess slept on her voyage out to Greece?—I do: in the *polacre*.

Before the Princess went to Palestine, do you know in what part of the *polacre* she slept?—Sometimes under the deck, and sometimes in a tent.

Where was the tent?—Going towards the poop.

Where was the usual place where her Royal Highness slept on the voyage from Jaffa to Italy?—She always slept in the tent, excepting when she landed: she went to the tent on account of the horses.

Do you know where Bergami slept on the voyage from Jaffa to Italy?—When we were on board the *polacre* I saw him in the evening in the tent, and then the tent was closed: here was the Princess, and he was sitting there. (Describing the situation.)

Have you ever seen Bergami in the morning come out of the tent?—Sometimes, but not in the morning early: he came out at a certain hour.

At what time in the morning did Bergami come out of the tent? at what hour did you see him?—Sometimes I saw him in the morning early, and sometimes a little later. I was always at the kitchen boiling potatoes for the family for breakfast.

In what part of the vessel was the kitchen?—At the mast near the bowsprit.

Was the tent down at night?—Yes.

In what way was the tent fastened down at night?—The tent was closed and covered: sometimes I did not take notice, because I was attending to my kitchen: but in going about I saw that it was down.

Did you ever see a light in the tent at night when it was closed?—Twice I have seen the light put out of the tent.

Do you know who put the light out of the tent?—How can I know?

Who took the light when it was put out?—Either Theodora or Carlino.

When you saw Bergami come out of the tent in the morning, how was he dressed?—He had on a gown, which he had made in a part of Greece, which was of silk.

Five o'clock being arrived, the Earl of LIVERPOOL moved the adjournment, and their lordships separated.

FRIDAY, August 25.

The LORD CHANCELLOR took his seat, and prayers were read about a quarter before 10 o'clock.

LORD ELLENBOROUGH wished to draw their Lordships' attention to observations which had appeared in a paper of yesterday, in which an imputation was cast on the character of a noble lord now absent; his wish being to state what perhaps that noble lord himself would already have stated had he had the opportunity of being present; and which would shew that the imputation was unfounded, and at the same time that there was no inconsistency in the evidence given by the witness Majochi.

Their Lordships would recollect that Majochi stated that he went first from Milan to Vienna in 1817, in the service of the Marquis Onischalti; that he remained some time at Vienna, and went back to Milan; and that he was in the service of the Marquis Onischalti six or seven months before he entered into the service of the British embassy. If the dates were compared, it would be found that this

brought him down to the month of March, 1818. Now he (Lord Ellenborough) knew that Lord Stewart landed in England in July, 1817, and he knew that he had business of his own which detained him in England and Ireland to February, 1818. Up to that period he had seen him frequently; but it was besides matter of public notoriety, from the proceedings in Chancery, that Lord Stewart had continued some time longer in this country, at least till after the month of March. But he did not leave England until some months subsequent to that date, and he himself met Lord Stewart on the Dover road, in August, 1818. It was, therefore, impossible that Lord Stewart could have been at Vienna during the period of the service of Majochi with the Marquis of Onischatti, or that he could have any communication with him after he left Milan. There was, therefore, no contradiction in what had been stated by the witness on this subject. It would be found, that when Majochi was asked whether he saw Lord Stewart he said he did not recollect, but that he saw his Secretary. Now he begged it to be understood that in making this explanation he was far from throwing any reflection on the conduct of Major Durin. Nor could he conceive how it could be stated as any thing derogatory from the character of a public officer that he had endeavoured to secure to his government the examination of a witness whose evidence was required in a case important to the dignity of the crown and the personal honour of the sovereign.

He had stated this much in order that it might be known that there was no contradiction in the evidence, and that what had been stated respecting the conduct of Lord Stewart might also be known to be as false as it was base.

(The Clerk then proceeded to call over the house, when an apology was made for the absence of Lord Sondes on account of indisposition.)

The Earl of LIVERPOOL, as similar apologies might occur on other days, thought it necessary to observe, that he hoped no noble lord would, in consequence of the temporary indisposition of a day or two, make that indisposition an excuse for absenting himself during the whole of this proceeding.

Lord GRENVILLE wished to know

whether it was intended that all noble lords who were present should vote. He did not mean to give any opinion on this subject at present, except to say that he thought it might be very difficult for noble lords to give a vote on evidence which they had not heard.

The Earl of LIVERPOOL said, that the question whether noble lords should be compelled to vote was very different from that to which he had alluded. He was of opinion that that must depend very much upon circumstances, upon which no determined opinion could yet be given; but he believed that the voting must be, in a great measure, left to their own discretion.

Lord GRENVILLE explained.

Lord ERSKINE made some allusion to the printed evidence, which we did not distinctly hear.

The calling of the roll then proceeded, and when it was concluded, counsel were called to the bar.

Mr. BROUGHAM, in consequence of what had appeared in a paper of yesterday, respecting his examination of Majochi, thought it necessary to make an explanation. It had been stated, that he had examined that witness from a letter from a person he had never seen. This was completely erroneous. He had examined him on the depositions of persons of the highest respectability.

The ATTORNEY-GENERAL said, that if his learned friend complained of what appeared in the public papers, he had much more reason for doing so. He did not know whether their lordships ever saw the newspapers; but there was in one of them, 'The Times,' a most unjustifiable attack on the law-officers of the Crown; and highly improper comments on the evidence. He, however, should not have said a word on the subject, had not his learned friend called their lordships' attention to it.

Examination of FRANCISCO DI ROLLO continued by Mr. PARK.

During your voyage from Jaffa did you see the curtains of the tent let down in the day-time?—I did.

What time of the day?—In the morning when I got up.

Did you see them down sometimes in the middle of the day?—Yes, also in the middle of the day.

What persons were under the tent when the curtains were let down?—As usual, Bergami and the Princess.

Did you accompany the Princess on shore when she landed and went to Jerusalem?—Yes.

Did you go with her to Ephesus?—I did.

Do you recollect how the dinner for the Princess was prepared there?—I do not remember. We lived at the Consul's, and I do not know exactly.

Do you recollect where the Princess dined?—I was not in the same family, and did not pay attention.

Did you go with the Princess to Scala Nuova?—No, I went on with the luggage.

Were you at Villa d'Este with the Princess?—Yes.

Have you also been at the Barona and Villa Villani?—I have.

Had you opportunities at the Villa Villani, at the Barona, and at the Villa d'Este, of seeing the Princess and Bergami together before the voyage?—Not at the Barona before the voyage.

Did you see them together at the Villa Villani and the Villa d'Este before the voyage?—Yes.

On these occasions, when you saw them together, how did they conduct themselves?—

Dr. LUSHINGTON and Mr. BROUGHAM objected to this question as too general.

The SOLICITOR GENERAL thought it was a question fit to be put.

The LORD-CHANCELLOR was also of opinion that it might be put, and the question was repeated.

On those occasions how did they conduct themselves?—They were arm in arm.

Have you seen them together more than once?—Yes, many a time.

Did you ever see them together in the kitchen?—I have.

What did they do when together there?—Sometimes they ordered something to be prepared, or something to eat.

When you saw them together, was there any body with them? or were they alone?—Sometimes alone; sometimes with the dame d'honneur.

Was that the Countess Oldi?—No; it was Bergami's sister.

In what manner did they eat when they came together into the kitchen?—

[The witness, after having given his answer, continued to speak, and thus interrupted the Interpreter in translating. The Interpreter therefore begged of their lordships to allow him to in-

form the witness that he must hold his tongue while he was giving the translation of his answer. This was done accordingly, and the question was again put.]

In what manner did they eat?—She cut a piece, and ate herself; and then cut another piece, and said to Bergami, "There, eat you also."

[In giving this answer the witness made the motion of picking up something, and eating.]

Did you ever see the Princess and Bergami on the lake together?—Yes.

Was any person with them? or were they by themselves?—Sometimes they were alone, and sometimes he rowed the boat.

Do you recollect a person named Mahomet?—Yes.

Did you ever see him make any exhibitions in the presence of the Princess?—I have.

How was he dressed? in the European or the Turkish manner?—In the Turkish.

Describe what he did?—Here the witness danced, about, snapped his fingers as if using castanets, made several pantomimical gestures, and sang *Dani, Dini; Dani, Dimi*.

The Interpreter.—How am I to interpret that? Your lordships see it as well as I.

Did he do any thing with his trowsers?—He made a sort of roll with them to represent something, I do not know how to call it.

Was the Princess present?—She was looking on, and laughed.

Will the witness describe what Mahomet did with the roll he made of his trowsers?—He took it in his hand, and made gesticulations; I cannot say (*non posso dire*) what he meant to represent.

What do you mean when you say *non posso dire*?—That I cannot say what he had in his head to represent.

Did this exhibition by Mahomet take place before the Princess more than once?—I have seen her see it once in the kitchen, and another time when he was in the court, and she at the window.

Were you at Turin with the Princess?—Yes.

Was she at an inn there?—Yes.

Do you recollect her going to court any day?—I do.

Were you on that morning in Bergami's bed-room?—I was.

At what time in the morning?—About nine, or past nine.

Did the Princess get up at that time?—I do not know.

For what purpose did you go into Bergami's bed room?—I was carrying a ruff for the neck, and a pair of gloves, to the dame d'honneur.

Did the door of the dame d'honneur's chamber open into Bergami's?—You entered the room of Bergami, and on the right was the door of the dame d'honneur.

Did Bergami's bed appear to have been slept in?—At the moment I was coming out of the room of the dame d'honneur I saw Bergami coming out of the Princess's bed-room, and he broided me.

What dress was Bergami in at this time?—He had on his morning-gown of striped silk, and he had his under small clothes, drawers, stockings, and slippers.

Do you recollect any ball at the Barona?—Yes.

Who attended it?—The people of the neighbourhood, people of low and middle ranks.

CROSS-EXAMINATION.

Mr. BROUGHAM.—When did you come to this country?—When they brought me.

About what time was that?—About eight or nine months ago.

Where were you before?—With my master.

Who is he?—The Marquis Encisa.

How long have you been in his service?—Three years.

When were you first examined on this business?—About twenty-two or twenty-three months ago, at Milan.

Who examined you at Milan?—The Advocate Vilmarcati.

Were any other persons by, when you were examined?—Yes; three or four gentlemen.

Have you ever seen them since?—I have seen one of them.

Was that before you came here?—Yes.

Did you go to Vilmarcati's yourself, or did any body take you?—They sent for me, saying that they wanted to speak to me.

Was it that time that you agreed to come over here?—Yes.

How often were you at Vilmarcati's?—I twice.

What is the name of the gentleman you knew?—Colonel Brown.

Was it he that sent for you?—Yes.

How did you know him?—Because I saw him at the Advocate's, and he lived near my house.

Do you mean at Milan?—Yes.

What wages had you from the Marquis?—A livre of Milan per day, eating, drinking, every thing comfortable, and perquisites, which were many.

What wages had you from the Princess?—Every three months ten Napoleons, that is to say, ten 20 francs.

There were no perquisites in the house of the Princess, I take for granted?—I never received any presents, except when we returned from the voyage; Bergami gave me two dollars when he was made a baron.

Were you not cook?—Yes.

Had you no perquisites as cook? did you make nothing besides your wages?—The profits I left to the other people who worked with me, and whose pay was small.

Did Bergami pay you?—Yes.

Did not Bergami overlook the accounts of the house?

Interpreter.—You mean look over, not overlook. (A laugh.)

Mr. BROUGHAM stood corrected.

Did not Bergami look over the accounts?—Yes.

Was he not very exact?—I do not know that.

When on board the ship, was it your business to be on deck, or to be below, cooking?—I worked in the kitchen.

Where was the kitchen?—On deck.

Where did the maids of the Princess sleep?—I do not know.

Where did Jeronimus sleep?—That I know, because I used to go into his cabin to have a glass. His room was in a corner.

Where did Mr. Hennam sleep, the English gentleman?—I do not know in which cabin he slept, there were so many right and left; but I know he slept in one.

Where did Captain Plinn sleep?—In some room, but I do not know which.

What have you had for coming here?—Nothing but trouble.

Do you expect any thing?—I hope to go soon home, to find my master.

Are you not to have a livre a day while you are absent from your master; or is any one to have a livre a day for you?—My daughter is to have a livre

a day; but I have received no letters, and I do not know if she has got the money.

Examined by the House.

Earl of LIVERPOOL.—When you said that Bergami's bed appeared to be made, did you mean that it appeared as if it had not been slept in?—I do.

Marquis of LANSDOWN.—Do you remember to have seen Mahomet perform the same dance, which you describe him to have performed before the Princess, in the presence of other members of the family, the Princess being absent?—Yes, he played the same tricks before as many times.

How did you know it to be the Princess's room out of which you saw Bergami come?—Because, when I was ordered to carry in breakfast, I went to carry it, and I saw the Princess coming out of the same room, combed and dressed.

Duke of HAMILTON.—At what time of day was this?—Not fully dressed for going out; but in her usual dress, and combed.

I ask at what time of day was it when it appeared to you that the bed was not made? What time was it in the morning when Bergami was coming out of the room? Was it when the Princess was preparing to go to Court?

The LORD-CHANCELLOR desired the short-hand-writer to read the former questions and answers, as to the witness seeing Bergami come out of the Princess's room.

The questions were read.

Earl of LAUBERDALE.—When Bergami came out of the Princess's room, what did he say to the witness?—He said, "You scoundrel, what do you do here? Who has opened the door?"—I answered that I found it open. He then said, "Go away."

Lord Viscount FALMOUTH.—Witness has stated that Bergami looked over his accounts. Had he ever any quarrel with Bergami respecting those accounts?—Yes, I have had some dispute.

Did those disputes happen just before he left the service of the Princess, or at what time?—I have had some disputes with Bergami before I left the service of the Princess, and with his brother.

When you left the service of the Princess, did she give you a good cha-

racter?—No; because I did not ask for it.

Did you leave her service of your own accord, or were you discharged?—There was some quarrel, up or down: and they said "You may go," and I went.

Earl GROSVENOR.—At what time in the morning were the beds commonly made while you were at Turin?—I did not go to make the beds.

That is not an answer to my question.

The INTERPRETER.—I am aware of that, my lord; but I must give the answer which I receive from the witness.

The Question repeated.—I cannot say, for there was a servant, the *chasseur*, who made the beds. It was only accidentally that I entered the room.

Was it your duty, as cook, to carry in the breakfast?—There were the waiters of the inn to do that.

Was Mahomet one of these particularly employed in the service of the Princess?—Mahomet had the care of the horses; he was employed in the stable.

The Earl of DARLINGTON.—Do you remember the King and Queen coming to visit the Princess at Turin?—Yes.

Did the Princess go out airing with the King and Queen.—Yes.

Did Bergami go in the same carriage?—The Princess went out with the King and Queen; Bergami followed; but the King had the arm of the Princess.

Did Bergami go out in the same carriage?—This I cannot say. I know he also went out in a carriage, for there were three carriages; but I cannot tell in which.

Do you remember at what time the Princess went to Court?—When she went out for the airing, it was about eleven or the morning; when she went to dinner, it was one.

Earl of MORTON.—The witness has said, speaking of Bergami's bed, that it appeared, upon the occasion he referred to, to be made. Is it usual to make up the bed in a different form for the day and for the night?—There must be a manner: I do not know; I know that in my house the bed is made in the morning.

Lord AUGLEAND.—At what hour did you see the Princess go to Court?—About half-past nine or ten.

Re-examined by Mr. BROUGHAM, through the medium of the LORD-CHANCELLOR.

While you were in the service of the Princess were you not confined to your bed in consequence of a hurt received in a scuffle?—Yes.

Do you remember the Princess coming to your room to see if you were well treated?—I do; and Bergami.

Lord ELLENBOROUGH.—At what hour did the Princess come to see you?—The hour I do not know. I know I was half asleep, and Bergami said, "Mind, it is the Princess come to see you."

Did the Princess come more than once?—Once.

By night or day?—By day.

Were you in bed at the time of the Princess coming?—I was.

The Earl of CARNARVON.—Did the Princess come alone?—Bergami came with her.

The witness withdrew.

FIFTH WITNESS.

[SAMUEL GEORGE PECHELL.]

Captain Samuel George Pechell sworn, and examined by the ATTORNEY-GENERAL.

You are an officer in his Majesty's navy?—I am.

You commanded the Clorinde in the year 1815?—I did.

Were you at Civita-Vecchia in March, 1815?—I was.

Did you there receive the Princess on board the Clorinde?—I did.

Do you remember by whom she was accompanied upon that occasion?—By Lady Charlotte Lindsay, Mr. North, Dr. Holland, Madame Falconet, and by various servants.

Among those servants do you remember Bergami?—I do.

In what capacity did Bergami appear on board the Clorinde?—As a menial servant.

Were you in the habit of dining with the Princess at the time she was on board the Clorinde?—I was. The Princess was entertained at my table.

Did Bergami wait at table?—Every day.

Did he wait as a menial servant, as any other servant?—He did.

Where did you convey the Princess at that time?—To Genoa.

Did you touch at Leghorn?—We did.

Did any of the suite of the Princess quit the ship at Leghorn?—Lady Charlotte Lindsay and Mr. North.

Was there not a boy named Austin on board?—There was.

Did the Princess quit the ship at Genoa with her suite?—She did.

Do you remember how long the Princess was on board your vessel at that time?—Seven or eight days.

During the autumn of the same year were you again at Genoa?—I was, in August, 1815.

Did the Princess in that month embark at Genoa on board the Leviathan?—Not until November.

Did you see the Princess between the time of her departure in March until you saw her in November at Genoa?—No.

Did you see her at the time when she came to embark on board the Leviathan?—I did.

Did you see her come down to the vessel in her carriage?—I did.

Who accompanied her in the carriage?—I remember the Countess of Oldi, Bergami, and an infant; but I do not remember any other persons.

Did you go in the Clorinde from Genoa to Sicily?—I did.

Had you directions to go to Sicily for the purpose of receiving the Princess there?—I had.

At what time did you arrive in Sicily?—On the 7th of December.

Where in Sicily did you receive the Princess on board?—At Messina.

Previous to your receiving the Princess for the second time on board the Clorinde, had any communication taken place between her Royal Highness and yourself?—Yes.

What was the nature of that communication?—I received a letter from Mr. Hannam, informing me that the Princess intended to embark from Genoa in the Clorinde.

That was before you left Genoa?—Yes.

You had another communication at Messina?—Yes.

State the nature of it.—The morning after I arrived at Messina, Captain Briggs informed me that the Princess expressed some uneasiness at the prospect of keeping her own table on board the Clorinde. I therefore desired Captain Briggs to say to the Princess in my name, that I was ready to do every thing in my power to make her comfortable while she was on board.

the *Clorinde*, provided she would be pleased to make a sacrifice, which my duty as an officer compelled me to exact, by not insisting upon the admission of Bergami to my table; for that although now admitted to the society of her Royal Highness, he had been a menial servant when she had last embarked on board the *Clorinde*. In the afternoon of the same day I saw Captain Briggs, who said that he had had a conference with the Princess, as I had desired, and that, from the tenor of his conversation with her, he believed there would be no difficulty in my request being acceded to, but that her Royal Highness required a day to consider the subject. The *Leviathan* sailed on the following day, and on the morning after I visited the Princess, with a view to know her determination. The Princess declined seeing me herself, but desired Mr. Hannam to inform me that my request would not be acceded to; and, in consequence, her Royal Highness provided her own table.

How soon after that did the Princess embark on board the *Clorinde* at Messina?—On the 6th of January following.

How long was that after the communication of which you have spoken?—About a month.

Who accompanied the Princess on this second time of her coming on board?—The Countess of Oldi, Bergami, Master Austin, a Count whose name I understood to be Schiavini, and various servants.

Was there a little child?—There was; I understood it to be Bergami's child.

Where did the Princess dine while she was on board?—In her own cabin.

Do you know who dined with her?—I do not.

She did not dine at your table?—She did not.

How long did she remain on board the *Clorinde*?—Three or four days.

Mr. BROUGHAM declined asking the witness any question.

The Earl of OXFORD wished to ask Captain Pechell one question. If he had seen, at his (Lord Oxford's) or any one else's house, a lad waiting at table; and that lad had afterwards been made a midshipman, and, by his merit, risen to the rank of Captain, would Captain Pechell then refuse to

sit down to dinner with him at his (Lord Oxford's) table?

THE LORD - CHANCELLOR thought that the witness might be asked what his conduct had been upon the occasion in question; but not what his conduct would be in another case. (Hear, hear.)

The witness withdrew.

SIXTH WITNESS:

[THOMAS BRIGGS.]

Captain Thomas Briggs sworn, and examined by the ATTORNEY-GENERAL.

You are a captain in his Majesty's navy?—I am.

Did you in the year 1815 command the ship *Leviathan*?—I did.

Were you in Genoa in the course of that year?—I was; in November.

I believe your vessel was ordered to Genoa, to convey the Princess and her suite to Sicily?—Yes.

Did the Princess and her suite embark on board the *Leviathan*, at Genoa?—Yes.

Can you tell by whom her Highness was accompanied?—By her suite.

Of whom did that suite consist?—Bergami, Mr. Hannam, I think Schiavini, and two or three other foreigners. The names of the servants I do not know. There was also the Countess of Oldi and two maid-servants.

Do you remember the Princess coming down to embark?—Yes.

Who came in the carriage with her?—The Countess Oldi, Bergami, a child, and, I think, another person.

Did the Princess dine at your table?—Always.

Did Bergami dine with her?—Always.

What disposition had you made of the cabins on board your vessel for the accommodation of the Princess before she came on board?—I had made such an arrangement as I thought would accommodate all parties.

With respect to the sleeping-rooms, where did you design the cabin of the Princess?—The after-part of the *Leviathan* was divided into two cabins, which I intended for the Princess; one as a sleeping room, the other as a drawing-room. Before that, there were two other smaller cabins in a line with each other, which I intended for the Countess Oldi and two maid-ser-

vants: and I meant to put the men any where; some in the wardrooms, some in my own cabin, as I might find most convenient, reserving a part of the cabin for myself.

Was that disposition altered when the Princess came on board?—Yes.

A plan was here presented to the witness.

Mr. BROUGHAM did not object to the plan being placed in the hands of Captain Briggs, but would object to it if offered to any other witness.

Captain Briggs declared that the plan was unnecessary.

Were the cabins meant by you for the Countess Oldi and the female servants immediately adjoining that of the Princess?—They were.

In what manner was the arrangement altered?—An alteration took place in the door of the cabin which I meant for the Countess Oldi, and Bergami was put into it.

What alteration took place in the door?—The two small cabins, which were to have contained the Countess Oldi and the maid-servants, had communications within each other. When the Princess came on board, she said that she desired Bergami's cabin to be changed to that which I had intended for the Countess Oldi. Originally, to have gone into that cabin you must have passed through the room intended for the maid-servants; but when this alteration took place, the door of communication between those two rooms was nailed up, and a door was opened from Bergami's room, which came out close to the room occupied by the Princess.

So that, after the alteration, the door into the room appropriated to Bergami was near to the door of the cabin of the Princess?—It was.

Have you ever seen the Princess walking with Bergami?—I have.

In what way?—Arm in arm. That, I think, was at Messina. I did not think it at all uncommon. [Here the witness dropped his voice.]

Not uncommon, considering the terms they were upon, did you say?—I said not uncommon, because it happened occasionally.

Do you remember waiting on the Princess at Messina, in consequence of the request of Captain Pechell?—On the wish of Captain Pechell I waited on her Royal Highness when she was about embarking on board the

Clorinde. I asked her Royal Highness's permission to speak to her on the subject of Bergami's dining at the Captain's table. I had been told that Bergami had filled the situation of a servant. Her Royal Highness said, "He has sat at the table with me, and I cannot conceive what objection can be made to it now." I observed that Bergami had never been a servant on board my ship—if he had, it would have been impossible to admit him to my table.

Did you communicate what passed between yourself and her Royal Highness to Captain Pechell?—I did.

Then you left Messina?—I did; I left it on 11th of December, three or four days afterwards.

CROSS-EXAMINATION.

Cross-examined by Mr. DENMAN. —In the course of the conversation with Captain Pechell respecting her Royal Highness, did you not perceive that there had been some dispute between them on a former occasion?—I had seen Captain Pechell before I waited on her Royal Highness. He came to me as senior officer, and told me what line of conduct he meant to adopt.

Did you not know some difference existed between her Royal Highness and Captain Pechell about the stowing of some luggage?—On her Royal Highness's part I did. She said she had not been treated by Captain Pechell with the same degree of accommodation I had afforded her.

Did it fall to your knowledge to know where the Countess of Oldi slept on board the *Leviathan*?—It did.

Was it in a room adjoining that of her Royal Highness?—Yes.

Was there a door opening from the one to the other?—Yes.

Did the two apartments open into the dining-room?—Yes.

By two doors?—Yes.

I believe the cabin you provided for the maids was occupied by them?—Yes, And it opened also to the dining-room?—Yes; but there was a small cabin between them.

Re-examined by the ATTORNEY-GENERAL.—Was not this a ship of the line?—Yes.

Much larger than the *Clorinde*, and capable of affording much more accommodation?—Yes.

By Lord ELLENBOROUGH.—Was the sleeping-room of Captain Briggs closed at night, or did he hang in a cot?—I slept in a room that was closed at night.

Could persons pass by that room without observation?—I think it possible, but very improbable. Any one attempting to do so must run great risk. It might perhaps be done when I was asleep, but I don't think it likely that any person could pass without my knowledge.

By another Peer.—Were you not frequently on deck?—I have been frequently half a night on deck: I was subject to all calls. I was very constantly out on deck at night.

Did the witness see any improper familiarity between the Princess and Bergami?—No; I saw none.

Had you any reason to suspect any improper freedom or familiarity between them?—No.

By Earl GREY.—You had the usual complement of officers on board the ship?—Yes.

Had they not constant access to your cabin during the night?—Yes.

Were you not, Captain Briggs, liable to be called up at any moment during the night?—Yes.

By the Earl of ROSEBERRY.—After the alteration of the rooms, Captain Briggs, I want to know whether it was absolutely necessary, in going to you, to pass through Bergami's room?—No, it was not.

I also ask whether, when you were called up in the night, you must in your progress to the deck, necessarily pass through the dining-room?—My cabin-door opened so that I might pass without going through the dining-room. I had only to go through an angle of it. There was no necessity to go immediately through the dining-room, as my cabin-door was close to the end of it.

Then I am to understand that you did not pass immediately through that room, but through an angle of it only?—Yes.

By another Peer.—How long was her Royal Highness on board?—From the 14th of November to the 4th of December.

I wish to know whether all those officers who came for orders must not pass through the dining-room?—The door that opened into my cabin was in an angle of the dining-room.

By another Peer.—I wish particu-

larly to know, whether, when officers came to the witness for orders, they went through the dining-room or not?—They must come into the dining-room, but not through it. They must come over the threshold of the dining-room to get at my cabin.

By the Marquis of BUCKINGHAM.—They did then not go through the dining-room?—To come to my cabin-door, they must positively go into the dining-room, but not through it.

Does the witness allude to the door at which the sentry stands?—Yes.

By Lord COLVILLE.—Had the door of your cabin hinges?—Yes.

What sort of a partition divided the sleeping apartment from the dining-room?—An ordinary one.

Did you always cause a light to be kept burning in the dining-room at night?—No.

Was there any light in the after-cabin at night?—There might be a light there; but I do not know of any.

By the Earl of LIVERPOOL.—Was any light allowed to be burned in the after-cabin?—A light might have been placed there; but I don't remember one.

By Lord COLVILLE.—During the time her Royal Highness was on board did any person sleep in the dining-room?—Yes.

Who was that person?—Master Wm. Austin was one. There were one or two cots besides; but I really cannot tell who slept in them.

Were there any screens round these cots?—There was a screen on the outside; the other side adjoined the ship's timber.

Supposing her Royal Highness to have wished for the assistance of any of her female attendants, had she any means of communicating with them, by bell or otherwise?—Yes.

Where were two doors, or only one, from the dining-room to the quarter-deck?—There were two doors.

Were they both used occasionally by the officer of the watch at night?—No.

Which door was he accustomed to enter at?—The left door; the larboard door we call it.

Was the starboard door shut?—It was used for a different purpose.

If the larboard happened to be the weather side, would the officer of the watch enter on the opposite side?—No.

By the Earl of LAUDERDALE.—

What answer did the Queen give when you spoke to her in consequence of Captain Pechell's representation?—She said it was of no consequence; it was only to prevent the Captain from keeping two tables that Bergami dined with her at all. I left her under the impression that the matter would not be persevered in further, because I remarked to her how easy it was to send Bergami's dinner to a smaller cabin.

When her Majesty complained of Captain Pechell's conduct with respect to the luggage, was it previously to or after the communication with her Majesty of which you have spoken?—I never heard any thing in the shape of a complaint; it was a matter of conversation before Captain Pechell came on board.

Lord EXMOUTH.—I really don't see the necessity of going into an inquiry with respect to what Captain Pechell said. I think it quite unnecessary to state what took place between him and others.

The Earl of DERBY wished to ask whether the alteration of the cabin was directed by the Princess, or by any person, in her name?

Lord EXMOUTH.—That has been answered already.

The Earl of DERBY.—I don't think that it has. (Order, order.) The question was not pressed.

Re-examined by Mr. DENMAN.—I wish to ask Captain Briggs whether he had not received a complaint against Captain Pechell as to the manner in which her Royal Highness's baggage was stowed on a former voyage?—I have heard Captain Pechell say that her Royal Highness had a vast deal of baggage, which lumbered the ship. It was merely in the nature of a remark. It was not a matter of complaint to me as the superior officer.

I don't mean a formal complaint—but observations expressive of dissatisfaction, with respect to the baggage, as well as the expenses of the table?—

The ATTORNEY-GENERAL interposed.—This sort of statement, he contended, could not be received as evidence.

Mr. DENMAN argued that it was evidence which their lordships ought to have before them. If we can show that there were differences between those parties, arising from circumstances of a description quite unconnected with those stated, he apprehended that would have weight as accounting, in a considerable degree, for the alterations which had been alluded to.

The ATTORNEY-GENERAL.—This is matter on which Captain Pechell should be examined, and not Captain Briggs.

Mr. DENMAN.—The reason I put it to Captain Briggs is, because he appears between her Majesty and Captain Pechell as negociator, and must therefore be cognizant of what passed.

THE LORD - CHANCELLOR thought it quite clear that the conversation between Captain Pechell and Captain Briggs could not be received in evidence, because what occurred with respect to the Queen must be considered as the act of Captain Pechell himself. At the same time, if the opposite party could show that Captain Pechell, or Captain Briggs, had so acted as to induce her Majesty, under the particular circumstances of the case, to cause certain alterations to be made when she came on board, it was competent for them to do so.

Mr. DENMAN.—I have had an opportunity of conferring with my learned friends on this subject, and I decline pressing the examination further.

SEVENTH WITNESS.

(PIETRO PUCHI.)

Pietro Puchi was then called in and sworn.

The LORD CHANCELLOR directed the Interpreter to tell the witness to speak audibly.

The Interpreter desired the witness to speak loud; and when he addressed him to be silent.

The SOLICITOR GENERAL.—Does the witness reside at Trieste?—Yes.

Does he keep an inn there?—Yes; I am agent for the *grande albergo* at Trieste.

By the Earl of LIVERPOOL.—What do you mean by agent?—I am acting for my madam—my *donna*.

The SOLICITOR GENERAL.—Do you know an inn at Trieste called the Black Eagle.—I do.

Who keeps it?—Vincenza Bartolotti.

Is that the name of the inn of which you are agent?—Yes; it is the *grande albergo* of the town.

Do you remember the Prince of Wales coming to that inn?—I

In what kind of carriage did she come?—In a small open carriage with two post horses.

Who came with her in that carriage?—Bergami was with her, without any other servant at all.

How long is it since that affair happened?—I do not remember. It is, I suppose, four years ago: I think more than four years.

How long did her Royal Highness remain at Trieste at that time?—Six days.

Do you know in what apartment her Royal Highness slept?—I do.

Do you know the apartment allotted to Bergami?—I do.

After her Royal Highness and Bergami came in the carriage, in the manner described, did her suite follow in other carriages?—They arrived in about an hour after her Royal Highness.

Into what apartment did the bed-room of her Royal Highness and the bed-room allotted to Bergami open?—

Mr. BROUGHAM objected to this question, by which it was assumed, that those two rooms opened into one apartment.

The SOLICITOR-GENERAL.—

Into what place or apartment did the bed-room of her Royal Highness and that allotted to Bergami open?

Mr. WILLIAMS opposed the question, as assuming a particular fact.

The SOLICITOR-GENERAL.—

Into what place did the bed-room of her Royal Highness open?—The door was facing the room of the dame d'honneur.

The door, you say, was facing the room of the lady of honour: what was between them?—The dining-room.

Did the door of the bed-room occupied by her Royal Highness open into the dining-room?—Yes.

Did the door of the bed-room allotted to Bergami open also into the dining-room?—The room where Bergami slept opened into the room of the dame d'honneur, who was Bergami's sister, and that into the *salle-a-manger*.

Were there any other doors that opened into that dining-room from the Princess's room?—Yes, the door of No. 4, to go out by.

Was that the only other door that led to this dining-room?—Those that I have mentioned were the only doors.

Now can the witness tell us whether the outward door was fastened at night?—It was fastened when they went to sleep.

Was it fastened from the inside or the outside?—I don't know whether it was shut from the inside or the outside. I don't know whether it was fastened by the Princess's servants.

Was it closed during the six nights her Royal Highness was there?—It was always shut up at night, whenever the parties went into the room to sleep.

What beds were in the bed-room occupied by her Royal Highness? How many?—There were two beds, near one another.

What bed or beds were there in the room allotted to Bergami?—There was one bed only.

Mr. BROUGHAM corrected the translation of this answer, making it "one single bed."

Did the witness at any time during the morning, while her Royal Highness was at Trieste, see Bergami come out of any room into the dining-room?—I have seen him come from the room of the Princess.

At what hour?—About 8, or half past 8, in the morning.

How many times did you see that during the six days her Royal Highness remained at Trieste?—Three or four times.

Will the witness describe the manner in which Bergami was dressed when coming out of the room of her Royal Highness?—He had a dress made in the Polish fashion, with some gold lace on it, which came from the waist down behind.

What else besides that?—He had drawers.

Had he any stockings on?—Sometimes he had stockings, and sometimes pantaloons, which were at once stockings and pantaloons; but I cannot precisely say, for I was looking out through the key-hole of my room. (A laugh.)

What had he on his feet?—It appeared that he had some strings.

[The interpreter stated that the strings were to fasten the drawers.]

At the time you saw this, was the dining-room door open?—It was still closed.

What led you to look through the keyhole in the manner you have described?

Mr. WILLIAMS submitted that the motives of the witness could not be received in evidence.

The SOLICITOR-GENERAL.—Where did the witness himself remain in the morning, before he went into the dining-room?—In my own room,

which was at the end of the dining-room.

Where was the door from which you looked?—(The witness here pointed out, with his hand, the relative situation of the rooms.)—My room was between the corridor and the *salle-a-manger*, having a door leading to the *salle-a-manger*; and from the key-hole of that door I looked into the latter room.

What were you doing in your own room at that time?—I was there with my service, to give them (the Princess and suite) breakfast when they asked for it. I was also putting my knives, forks, &c., in order.

Did you go into the dining-room at the time?—When they asked for breakfast, I answered them.

Did you remain there with the breakfast-service or did you go back?—I remained with the breakfast-service in my own room.

Were you afterwards summoned to go with the service into the dining-room?—I was, and I carried the things there.

Did you go in before you were called for that purpose?—Never.

Did you, while she was there, ever see the Princess and Bergami walking?—All day, every day.

The Interpreter stated that the witness meant "they were always together."

In what way?—Sometimes in the hall, sometimes in the *salle-a-manger*, and sometimes in the room of the dame d'honneur.

Did they walk together, separately, or in a familiar manner?—They were sometimes alone: sometimes they turned round and spoke to the suite; sometimes on one side; and sometimes on the other.

In what manner did they walk together? Were they near each other or separate?—They did not touch each other, as far as I have seen; but they walked arm in arm. (A laugh.)

Did the witness ever see the Princess with any other person, while she was at Trieste, besides Bergami?—Yes; there was a Count Dore, who conducted her Majesty to the theatre. He came to hand her in and out. She gave her right hand to the Count, and her left to Bergami.

Did you make any observations on the bed assigned to Bergami?—Yes, I have.

Did that bed appear to have been slept in?—Never.

I wish to know whether, after Bergami went away, you made any observations on the sheets of the bed?—The sheets were put on the bed clean, and were taken away clean.

How many *pots-de-chambre* were there in the Princess's bed-room?—There were two.

Were they both made use of?—I did say yes.

Were there more than one wash-stand and basin in the room?—There were two.

Did they appear both to have been used, or only one?—I don't remember: many travellers wish two basins, and yet they may be alone.

Were you present when her Royal Highness went away?—I was.

How did she go away?—In the same way in which she arrived; in the same open carriage.

Did Bergami go with her?—Yes.

This closed the examination in chief of this witness.

CROSS-EXAMINATION.

Cross-examined by Mr. WILLIAMS.—How long was it between the times that the Princess departed and the time her suite set out?—About a quarter of an hour: not quite so much: almost immediately.

Have you any doubt of the Princess's having remained so long as 5 or 6 days?—Of that I am quite sure.

Are you sure of it?—No more.

But are you sure that she remained so long as 5 or 6 days?—Yes.

Do you remember the days of the week—the day on which came?—I don't remember.

Do you remember the day in which she went away?—Never; if any body had told me something to that point, I might have ascertained it, but I don't remember.

As the time is long, perhaps your memory is not fresh?

(The SOLICITOR-GENERAL objected to this question, and it was not pressed.)

Did the room of which you speak open into the dining-room, aye, or no?—There was a secret door that could not be known to be a door to any one in the dining-room.

That nobody knew?—Yes.

Was that part in which the door was covered with tapestry, or was it wood like the rest, or how?—It was covered with painted canvass.

Which covered the whole, so that a

person in the dining-room could not tell whether there was a door or not?—No.

I ask whether it was impossible for any person in the dining-room to know if there was a door or not?—It was impossible, except for one of the family.

Was not the reason of the impossibility because the door was entirely covered with canvass?—Yes.

Then I understand you right when I say that the reason why no stranger could find out the door was, that it was wholly covered with canvass?—Yes.

It was entirely covered?—Entirely.

Are you still agent, or by whatever other name than agent you may be called, for the Grand Hotel at Trieste?—I am after taking the inn which is called the Black Eagle; but if I don't gain the trial (the law-suit), I shall continue to be in the Grand Hotel.

(This answer appeared to excite a considerable sensation. The SOLICITOR GENERAL thought the meaning of the witness was, "If I don't gain what I attempt to gain." The short-hand writer was desired to read the answer, and the word "law-suit" was retained as the correct translation.)

I do not ask what you are to be hereafter, but whether you are still agent for the Grand Hotel?—I am not sure, because the inn is exposed to an auction every nine years. The lease has expired, and I don't know whether my principal will buy the lease or not, because it belongs to the corporation.

As agent to the Grand Hotel, was it not chiefly your business to wait on the guests?—I have waited on them; I am always the person.

The head waiter?—Yes.

Then was it not your business always to wait on the guests?—Both.

Both what?—Both the one and the other.

What other?—As I am the oldest servant in the house, I know the rooms of the house better than any other person in the family.

Had you any other waiter under you?—Two more.

Were they men?—The one was a lad of the name of Jousson, and the other was called Bernardo.

Then there were two other men—their names I am not asking?—Two men.

Then, if I understand you right, you

had the superintendence of these, and yourself assisted as a waiter?—I attended to all the affairs of both offices.

Were there no female servants belonging to the inn at the time the Princess of Wales was there?—There was one.

What was her name?—Maria Mora.

I wish to ask, when you talk of the door being fastened every night, whether you do not speak of what was done by the other servants; whether that was done by some of the servants of the inn?—No; the waiters had nothing to do with it.

What do you mean when you say that No. 4 was fastened? I wish to know if that was done by yourself or by any of the servants?—It was shut by themselves; I don't know whether by any of the Princess's suite or by Bergami.

How long was it after the Princess was there that you were first examined on this subject?—I think about three years. Before I was examined it was past two years and a half.

I heard you say, I think, that a great number of guests were in the habit of coming to that inn?—Yes.

You have said it is the chief inn for travellers in that place: is it so?—It is the best inn.

At the end of the two and a half or the three years, who applied to you to know what you had to say?—Some one who came to dine at the inn, who asked me "How did the Princess conduct herself?" and I answered, "I can't complain; she behaved very well."

Have you been at Milan?—Yes.

More than once?—If I must go to my own country, I must go to Milan. I have been there five or six times.

What countryman are you?—I come from Asti, in Piedmont.

Did you go to Milan to make a deposition of what you knew?—Yes, about eighteen months ago.

Who examined you?—Colonel Brown.

Did any law man assist?—Yes, a lawyer who is here; but I don't remember his name.

Should you recollect if I assisted you with his name? Was it Mr. Powell?—Yes.

Was Counsellor Cook there?—I don't know what he is called but there was one whom I considered a Milanese.

Was his name Vimareati?—I don't know.

You were at that time regularly examined?—Yes, I was.

Was your examination taken in writing?—I believe so.

And you gave a full account then of the room, and of all that you have told to-day?—What I can say before God, I have said here and at Milan.

Have you been examined in England by the same gentleman that examined you at Milan?—No.

Not by any body?—I was examined in the presence of the present gentlemen, and the advocate whom we have mentioned.

What do you mean?—I have been examined on the same subject.

By whom?—By the same lawyer, in the presence of you (the Interpreter), and two other gentlemen.

And when was that?—I think on the second or third day after my arrival.

How long have you been here?—I don't know, but I think about a fortnight.

Who brought you here?—Signor Capper.

How did you come? With Mr. Capper alone, or were there other persons along with you?—I went as far as Boulogne with a certain Andriatsi, who had been two times at the inn to take me.

Who is Andriatsi?—He was a person sent by Colonel Brown from Milan.

To accompany you on your journey?—Yes.

I take it for granted you have received no money?—I did not wish for any, but he gave me some.

You did not wish for any money?—He told me to take this, and gave me eight gold Napoleons, and eleven francs.

That is not an answer. But it is true, then, that you were examined here and at Milan, and that your examinations were reduced to writing? Your depositions were written down at Milan, and you have been examined again since your arrival in England?—Yes.

Then it is a mistake of the Attorney-General, I believe, that the room of Bergami did open into the dining-room?—That is not true.

The SOLICITOR-GENERAL objected to the question in that form, and several noble lords seemed to support the objection.

Mr. WILLIAMS.—If in cross-examinations I have heard such a question

put once, I have heard it five hundred times, and I might multiply that by five hundred.

At the request of the LORD-CHANCELLOR, the question was repeated?

The SOLICITOR-GENERAL.—My learned friend is entitled to put questions to the witness, but not to make assertions.

The LORD-CHANCELLOR.—In cross-examination it is often the practice to put in the form of an assertion what has been proved by the examination in chief.

Mr. WILLIAMS was about to put the question again to the witness, when

The Earl of LIVERPOOL interposed, and put it to their lordships, whether they would allow the counsel to make assertions that the witness had said what he had never stated. They should first see whether the fact alleged in this assertion was in the minutes of the witness's evidence.

The LORD-CHANCELLOR.—I have said that the counsel may, on cross-examination, put in the shape of an assertion an interrogation respecting an answer given in the leading examination; but care must be taken to put only what the witness has said.

Mr. WILLIAMS.—As I have obtained distinctly from the witness that he was examined abroad, that that examination was committed to writing, that he has been examined since his arrival in this country—and that, of course, on the subject of his present examination—I am desirous to point out to your lordships that his statement this day, representing that the room of Bergami did not enter into the dining-room, but into the room of the Countess Oldi, must be a deviation from his answers on his former examinations, which formed the ground of the Attorney-General's instructions.

The SOLICITOR-GENERAL said it was all founded on a mistake of his, for here was the paper before him (the depositions of the witness, we presume), which agreed exactly with the evidence now given.

The LORD-CHANCELLOR said, that the departure of the Attorney-General from his instructions was a matter of argument, but not of evidence.

Mr. WILLIAMS said he would not then press the question.

Did the door of Bergami's room open—not open into the dining-room, but—into the bed-room of his sister, the

Countess of Oldi?—Yes, into the bedroom of his sister.

State the party that came to your hotel before the Princess of Wales—the names of the party?—The order came from the vice-governor of the Corporation to prepare apartments for her Royal Highness.

What were the names of the last guests before the arrival of the Princess of Wales?—It is not possible for me to remember. One I do remember—a man of the name of Pellet, a merchant and manufacturer of watches, from Neuchâtel.

Who composed the party that came after the Princess of Wales?—It is impossible for me to remember: I can't remember: if I were at home, there is a book in which the names of all the strangers are entered.

Was the Princess of Wales there during a Sunday?—I don't remember.

You can't remember whether she was there on a Sunday, nor the day on which she came, nor that on which she went away?—I do not remember: from the book every thing is known.

And that you left behind?—The book is at Trieste, where the names of strangers are put down.

Do you remember if the Princess went to the opera?—She did.

Was she ever more than once to your knowledge in this grand hotel?—That was the first time she ever was.

Has she ever been more than that one time in her life?—Once only.

The witness was here re-examined by the SOLICITOR-GENERAL.

What has become of the servant-maid Maria Mora?—I believe she is gone to Jerusalem; all I know is, that she asked leave to go there last spring, and I have not seen her since.

What has become of the male-servant?—I do not exactly know.

Look at that gentleman (Mr. Maule), and say whether you know him?—Yes, I do.

Did Mr. Maule take down in writing what you said when you were before examined?—He did.

Where was it that the sum of eight Napoleons and eleven francs was given to you?—In a house at Bologna.

At what time was it after you had left Trieste?—I cannot remember exactly.

Will you endeavour to recollect?—I think it was on the 28th of June.

Do you consider that you shall lose

any thing by being absent from your place of residence and occupation?—Yes, a material loss.

Is the loss you apprehend greater than will be compensated by the eight Napoleons and eleven francs, which you say were paid to you at Bologna?—Much greater: I derived more profit from my own business.

The SOLICITOR-GENERAL remarked, that he was unwilling to take up their lordships' time unnecessarily; but it might be important that their lordships should here refer to a preceding part of the evidence.

If the room of which you have been speaking was covered with canvas, how did you see into it?—I looked into it through a hole, in order that I might know when I was wanted, and to be exact in my service.

But through what hole was it that you looked into the room?—Through a key-hole which looked into the dining-room.

Marquis of BUCKINGHAM.—Did Bergami's bed, during the time her Royal Highness and he lodged at your inn, appear to have been slept in every night?—Nobody could sleep there, for the bed was too small.

Where did the Countess Oldi sleep during this period?—She slept in No. 5.

Did her bed appear to have been slept in every night?—I believe it did.

Where did the servants and children sleep?—In various parts of the house.

Was Bergami's bed the only one which appeared not to have been slept in?—I observed all the beds, and it was the only one.

Are you sure that it was the only one which appeared not to have been slept in?—It was the only one; and I know it, because the sheets were in the same way when taken off as they were when they were put on.

Was there any appearance in the *pot-de-chambre*, or otherwise, of a person having slept in the room?—I cannot exactly say.

The question was here repeated.

Was there any such appearance as I have mentioned?—It is possible that there was such an appearance, but it may have been caused whilst Bergami was making his toilette.

What was the condition of the beds of the other servants?—They were in the usual way.

Earl of LIVERPOOL.—Was the

key-hole fixed in the canvass, or was the canvass cut?

Mr. WILLIAMS objected to this form of putting the question.

The Earl of LIVERPOOL submitted, and said he would put his question in a different way.

The witness had said that the canvass covered the whole room: did it also cover the key-hole?—The canvass was open some little matter, as though the opening had been made with a knife.

Was it then a very small hole?—It was small.

Was it easy to see through it?—Yes, very easy.

Was it made for the common purposes of a key-hole, or a mere accidental rent in the canvass?—It was somewhat smaller than a key-hole, about half the size; and it was necessary to close it from within, and not from without.

What do you mean by closing or shutting it? Do you mean that it might be locked?—Yes, it might be locked.

How long have you been a waiter in the Hotel de Grand Bretagne, at Trieste?—Ever since it was established; for the last nine years.

Were there a door and key-hole through the canvass?—There were.

By Earl GREY.—In what manner was the key-hole fixed?—It was fixed during the day.

Was there a separate canvass over the door, or did it cover the whole room?—It passed round the room.

Could the opening be seen by any person within the room?—I do not know.

By the Marquis of LANSDOWN.—Was the secret door of which the witness speaks used generally, or only on particular occasions?—When I was obliged to serve things at stated hours, I was in the habit of looking through this key-hole, in order to see if the parties were ready.

Was the witness under the necessity of entering the room by any other door?—I sometimes made use of one, and sometimes of another.

Did you ever use that door whilst the Princess was in the room?—I do not recollect.

By the Earl of DARNLEY.—Did not the witness recollect whether he ever used that door whilst the Princess was within?—I had no need to do so: I never did so.

What communication was there be-

tween this room and that occupied by Bergami?—The only communication was through the *salle-a-manger*.

What was the thickness of the door to which you have been alluding?—It was about an inch, or about the thickness of my thumb.

Did it open inwards or outwards?—It sometimes opened from the room, and sometimes otherwise.

By the LORD-CHANCELLOR.—The witness has said, in his cross-examination, that he must continue a waiter if he did not gain the *law-suit*: he wished to know to what suit or cause the witness alluded?—I have given in a memorial for the purpose of getting an inn, by means of some protection; I do not know yet whether I shall succeed, or whether some one else will get it.

What do you mean by the words "some protection"?—I know that others wished to get the inn from me, and by means of acquaintance with the owner.

By the Earl of ROSEBERRY.—Why did the witness, if he had suffered, or was suffering a loss, express a wish not to accept money from the government?

This question gave rise to a short discussion, and was finally withdrawn.

By the Earl of KINGSTON.—Did the witness suffer any loss by coming here?—Yes; I conceive so.

In what room did Bergami sleep?—I do not know.

You have said that Bergami did not occupy his own bed: what bed then did he occupy?—I do not know; but I suspect.

The witness was here admonished that he must not state any of his suspicions,

The Earl of LIVERPOOL suggested the propriety of withdrawing the question, as he could not consider it to be a fair one in any point of view.

The question was accordingly withdrawn, and the answer struck out.

By Lord ELLENBOROUGH.—When the door which was called secret was opened by the witness, did he push it, or draw it towards him?—When I opened the door into the *salle-a-manger*, I drew it that way.

Were the different doors painted alike?—Yes, they were; they were painted at the same time.

By a Peer, whose name we could not learn.—Was the secret door

of the same height as the wall?—Yes, it was.

Was it covered with canvass?—Yes, it was.

Was it the usual custom for some attendant on the Princess to order and arrange the apartments?—Yes, I believe so.

Here the examination of this witness was brought to a close.

On the motion of Lord MELVILLE, leave of absence for a few days was granted to Captain Briggs.

EIGHTH WITNESS.

[JANE BARBARA KRESS.]

The witness next called was Jane Barbara Kress, a smart dressed young woman.

A German Interpreter, named George William Kolmanter, was sworn to interpret.

The ATTORNEY-GENERAL.—Interpreter, ask the witness where does she live?—At Carlruhe.

Of what religion are you?—A Lutheran.

How long are you married?—Three years.

Before that time, did you live at the Post-inn, at Carlruhe?—Yes.

How long did you live there?—One year and three-quarters.

Did you leave it in consequence of your marriage?—Yes, I did.

Do you remember the Princess of Wales coming there?—Yes, I do.

Do you remember Bergami coming there?—Yes, I do.

About how long is that since?—Perhaps about three years.

Do you remember in what room the Princess slept while at the inn?—Yes, I do.

What was the number of the room?—No. 10.

What room adjoined No. 10?—No. 11.

How was No. 11 used? for sleeping or eating?—It was a dining-room.

What room adjoined No. 11, the dining-room?—No. 12.

What room was No. 12?—A bedroom.

Who had it?—Bergami.

Was there a door going from No. 10 to No. 11?—There was.

Was there also a door from No. 11 to No. 12?—Yes, a double one. [The

witness explained that she meant folding doors.]

What sort of bed was placed in No. 12?—A broad bed.

Was it there before? or was it placed there in consequence of the arrival of the Princess?—There was another bed there before, but I was ordered to put a broad one before the Princess arrived.

Had the Princess arrived before the other bed was removed?—The courier had arrived to prepare for the Princess, and then I was ordered to put this bed into the room.

Was it your duty to attend the inn as chambermaid?—Yes; it was.

How long did the Princess remain at the inn?—I cannot say exactly the time; but I think about a week or eight days.

Do you remember, on any evening during the Princess's stay, to go to No. 12, and carry some water there?—Yes, I do.

About what time in the evening?—Perhaps between 7 and 8 o'clock.

Mr. BROUGHAM here remarked, that a gentleman near him, who understood the German language, had very properly observed, that the Interpreter did not translate the words literally; for instance, that the witness said, "I can't tell" before she said "perhaps between 7 and 8 o'clock."

The LORD-CHANCELLOR then desired the Interpreter to repeat all the words used by the witness.

The witness then gave her answer.—I can't tell exactly, but to the best of my memory it was between 7 and 8 o'clock in the evening.

Do you recollect where the Princess and Bergami had dined that day?—I can't recollect.

On carrying the water to No. 12, who was in the room?—The Princess and Bergami.

Where was Bergami when you went in?—Bergami was in bed.

Where was the Princess?—She was sitting on the bed next him.

Could you see whether Bergami's clothes were on or off?—I could not see; but the moment I entered Bergami's arm was wide.

Where did you see his arm?—When I entered Bergami had his arms round the neck of the Princess, and when I entered he let it fall.

Can you describe his dress?—I cannot tell that.

What did the Princess do on your entering the room?—The Princess had jumped up, and was much frightened.

What did the Princess do when she saw you enter?—She had then jumped up.

Do you mean to say that she had jumped up, or that she did jump up on your entering the room?

The witness repeated her former answer, the literal translation of which, the interpreter said, was "she got up, or she rose."

Mr. BROUGHAM said, that a gentleman near him, and no more connected with this case than any of their lordships, had complained of the interpretation of the answers. But when asked to come and correct the Interpreter, he replied he would not intermeddle in such a business.

The doubt in this manner cast upon the Interpreter's answers led to some conversation between the counsel on both sides and their lordships, respecting the propriety of having another person who understood the German language present to check the Interpreter, as was the case with the Italian Interpreter.

Mr. BROUGHAM said that he would object to any but a sworn Interpreter; the Attorney-General had put his question twice over to the Interpreter upon not getting from him the answer that suited him.

The ATTORNEY-GENERAL appealed to their lordships against the insinuation which had been more than once levelled against him. The learned counsel said that the Interpreter had given an answer which did not suit him (the Attorney-General.) What did he mean by the observation? He had here a duty cast upon him by their lordships, and he wished to conduct the duty intrusted to him fairly, and honourably, and justly. If the Interpreter should mistake any words, let the mistake be explained, or let a more fit person to interpret be procured; but do not suffer the learned counsel to ascribe motives to him which he had not; or to say that any answer would not suit him; his only object was to get at the truth.

Mr. BROUGHAM disclaimed any intention of casting any aspersion or ascribing any motive to any one. If

he did ascribe a motive, he should be prepared, when the proper time that suited him came, to justify the imputation of that motive. But here he had cast no aspersion. The whole of the interruption that had taken place was of the Attorney-General's own seeking. It was, said Mr. Brougham, "he, not I, who caused that interruption."

The ATTORNEY-GENERAL.—If my learned friend did not mean to impute a motive to me, why have said the answer did not suit me?

Mr. BROUGHAM.—I repeat, that saying the answer did not suit you was not imputing any objectionable motive.

The Marquis of BUCKINGHAM here rose and said, that the presence of their lordships ought to restrain any counsel from presuming to impute improper motives to another counsel employed in the case; and ordered to proceed in it by their lordships. (Hear, hear.) He hoped, therefore, that the learned counsel would be now instructed by their lordships not to presume to assert that other counsel were not actuated by as pure motives as he was himself. (Hear.)

Earl GREY was sorry that any thing had occurred which looked like a bickering among the counsel at the bar, and still more that it had excited the attention of their lordships. He should, however, object to the instruction suggested by the noble marquis, because he thought no such instruction was necessary, and that it could not be given by their lordships without implying an imputation upon the counsel receiving it, which in this case being undeserved, would be unfair. He did not understand the learned counsel to impute improper motives to the counsel at the other side. He certainly understood him to say, that the answer given by the witness did not suit, but he did not understand the expression to be intended improperly. He, however, hoped that the counsel at both sides would, in the performance of their respective duties, preserve a becoming sense of temper, and carefully abstain from any expressions which were calculated to interrupt that coolness and decorum which he trusted it was the anxious desire of all parties should characterize the whole of their proceedings in this case. (Hear, hear.)

The LORD-CHANCELLOR then ordered that the sworn interpreter should be desired to repeat the answer given by the witness, first in German, and next in English.

The questions were again put to the witness in the following manner:—

When you came into the room where was the Princess?—Sitting on the bed.

What did her Royal Highness do on your going into the room?—The Princess was frightened.

(Some difficulty here again occurred respecting the meaning intended to be conveyed by the witness.)

Did the Princess get up, or jump up, in the presence of the witness?—When I entered, the Princess had got up.

(Here again some objection was taken to the interpretation put by the Interpreter upon the answers of the witness.)

The Interpreter expressed an anxious desire to explain the answers as the witnesses intended to convey them. The words, he said, used by the witness, and in which she stated that the Princess was in the act of rising when she entered the room, were, in *der hohe*, which literally meant "in a state of being high."

The Bishop of PETERBOROUGH said, he hoped their lordships would excuse him for interrupting their proceedings, and stating, that in his opinion the Interpreter did not give the translation of the German words in the English language with the faithful meaning which the idiom of both languages required. The German words were certainly not rendered suitably in the English words used by the Interpreter. His translation was not as faithful as it might be.

Lord HOLLAND said that, under the circumstances in which they were placed, they ought to have a sworn Interpreter, to interpret the words of a witness with the utmost precision.

The LORD-CHANCELLOR desired that the counsel at the opposite side should furnish a German Interpreter, to check the other Interpreter, as in the case of the Italian one who had recently acted.

Mr. BROUGHAM said, that he must object to the sense of any words of a witness being taken through the medium of any other person than a sworn Interpreter. He was not at this moment prepared with such a person; he hoped, therefore, their lordships

would delay the examination of this witness until he should procure a suitable Interpreter to correct and check the person provided by the counsel at the opposite side.

The ATTORNEY-GENERAL said that he had another interpreter ready, if their lordships did not deem the present person competent.

Mr. BROUGHAM said that he was not ready with one to check this new Interpreter, and he hoped that, until he was prepared, their lordships would not proceed with the examination of this witness.

The Earl of LIVERPOOL said, that if a sworn Interpreter, when produced, did not give proper satisfaction in the discharge of his duty, the opposite party ought to be called upon, or at least such, he thought, was the course of proceeding, to furnish another. He still thought that the production of a new Interpreter must be grounded on some objection taken to the preceding one. No man was more competent than the right reverend Prelate to judge of the fitness of the Interpreter to perform his duty; and he thought that, without going further, enough had occurred to justify their lordships in calling upon the opposite counsel for another Interpreter.

Lord GRENVILLE observed, that a word may have two meanings, and in such a case it was desirable that the Interpreter should state both, to enable their lordships to ascertain from a witness which of the two he meant to deliver. If the Interpreter had, however, made a mistake in translating words which any noble lord was of opinion had but one meaning, then he thought that the person discovering the error was right, was indeed bound to apprise their lordships of the circumstance. He felt therefore obliged to the right reverend Prelate for cautioning them against the error into which they might be led by the present Interpreter.

The LORD-CHANCELLOR called upon the counsel for the Queen to produce another Interpreter.

Mr. BROUGHAM said it was no fault of his that he was not prepared at the moment with a German Interpreter: he had this day expected none but Italian witnesses, and had accordingly prepared himself with only an Italian Interpreter. The difficulty in which he was now placed, and which

had caused an interruption in their lordships' proceedings, was the consequence of the decision of their lordships, the wisdom of which he did not now presume to question, by which he was refused a list not only of the names, but even of the places to which the charges applied. It was the ignorance in which he was thus kept that left him unprepared with a German Interpreter at this moment. The first witnesses were Italian, the next was a German, and perhaps after that witness was done with, he (Mr. Brougham) would, on the spur of the moment, be called upon for a Tunisian, a Turkish, a Greek, or an Egyptian Interpreter; for in all these countries the Queen had been: she was at Tunis, Athens, Egypt, and the Holy Land, and from all these places he was, he presumed, to conjecture that Interpreters would be required. This was the difficulty imposed upon her Majesty's counsel by the refusal of their lordships to furnish a list of the places to which the charges referred.

The ATTORNEY-GENERAL replied, that his learned friend could not, with justice, complain of being taken unawares respecting the necessity of a German Interpreter, for he had, in his opening speech, distinctly alluded to a circumstance occurring at Carlsruhe.

Mr. BROUGHAM hoped his learned friend would save the trouble of any future mistake by stating to what country his next witness belonged.

The ATTORNEY-GENERAL made no reply.

The Earl of MORLEY said that the better way at present would be to call on the Interpreter for a further explanation of the words used by the witness, and repeat the German, to have it heard by such of their lordships as understood that language.

The Duke of HAMILTON said, that as the counsel for her Majesty were unprepared at this moment with a German Interpreter, and as no blame whatever attached to them, under the circumstances, for not being provided with such a person, he thought their lordships had better postpone the further examination until to-morrow.

The Earl of LIVERPOOL said, he saw no objection to a reasonable delay, if required by the counsel.

Earl GREY concurred with his noble friend (Lord Grenville) that it was

quite impossible for any noble lord to hear a mistake committed by the Interpreter without at once interposing to set the matter right. But then he trusted their lordships would feel the extreme inconvenience of this sort of interlocutory discussion among themselves; and he humbly suggested, that whenever in future any noble lord thought the translation of the Interpreter imperfect, he should, by a question of his own at the instant, endeavour to have the answer accurately conveyed.

After a few words from counsel at both sides, it was agreed that no other witness should at that hour of the day (four o'clock) be called.

The LORD-CHANCELLOR put it to their lordships whether to-morrow, being Saturday, they would sit after four o'clock? (Intermingled cries of "until five o'clock.")

It was, however, eventually determined that they should not sit to-morrow after four o'clock.

The Queen entered the house, and took her seat, during the examination of the last witness.

SATURDAY, August 26.

After counsel entered, BARBARA KRESS was brought to the bar, and her examination resumed.

A second Interpreter being sworn, the two last questions and answers of the preceding day were read.

What happened after you saw the Princess sitting on Bergami's bed?

The Interpreter.—The witness wishes to know whether you mean the same evening?—I have seen her on the bed; and then withdrew.

Before you withdrew, did the Princess continue sitting on the bed, or what else happened?—She saw the Princess jump up, and then withdrew. She was frightened.

The LORD-CHANCELLOR.—When she says I do, you should not say *she*.

Then I understand you to say that you then withdrew?—Yes.

Did you make up the bed in No. 12, Bergami's room?—Yes.

Did you at any time, when making up the bed, discover any thing on it?—On the bed?

On it, or in it?—In the bed I found a cloak.

Was it the cloak apparently belong-

leg to a female?—It was; because it had a kind of *capuce* or hood.

What did you do with that cloak?—As I took it out I placed it asunder (afterwards explained to mean unfolded.)

What time of the day did you find this cloak?—It was in the morning when I made the bed.

Describe more particularly the cloak, what it was made of?—It was of silk, the colour gray.

Did you afterwards see any one wearing that cloak?—The servant had taken it out of my hand.

Did you see any person wear the cloak afterwards?—I have seen a cloak on the Princess next day, but I cannot swear to it.

Was it a cloak of a similar description to that you saw the Princess wear?—Yes, it was of the same colour.

She says it was of the same colour; does she know that it was silk?—It was silk.

Had the cloak you saw on the Princess a *capuce* or hood?—Yes, it had such a hood.

At any time in making up the bed, did you observe any thing else on the sheets, or on any part of the bed?

The Interpreter.—It is a word spoken by the witness, which cannot be expressed in English.

State what she said?—Once when I made the bed I saw the sheets *Wust*.

The Interpreter.—This word means, in disorder.

What do you mean by the word *Wust*?

The Interpreter.—She is rather at a loss to explain it.

The Queen's Interpreter.—She says "stains."

What sort of stains were they?—As much as I have seen, they were white.

Are you not a married woman?—Yes.

[Here the witness appeared to be much affected, and shed tears. A glass of water was ordered for her.]

What did those stains appear to be?—I have not inspected them so nearly, but I have seen they were white.

Have you ever made the beds of married persons?—Yes; all the beds in the house generally.

What was the appearance of the spots or stains on the bed?—You will pardon me, I have not reflected on this; I have had no thoughts on it.

Were they dry or wet?—Wet.

Mr. BROUGHAM said he wished to put a few questions to the witness, although it was his intention at a future period to enter more fully into the examination, after he had been enabled to make inquiries as to witnesses of whom he had no previous information. When his lordship had yesterday adverted to an irregularity, he presumed his lordship to mean, that it consisted in the calling for the reproduction of one witness, whilst the examination of the other was going on.

The LORD-CHANCELLOR recommended to delay the cross-examination altogether, until counsel were prepared with the information they required.

Mr. BROUGHAM.—We have understood that after your lordships had been pleased to refuse a list of witnesses, or a return of the places where the offences were alleged to be committed, that the liberty was allowed to us as well to examine immediately after their examination-in-chief, the same witnesses again, in any part of the proceedings. We may be in error, but this was our decided impression. Indeed, my lords, I can say that this understanding has been confirmed by what has passed between ourselves, who are considered to patronise this measure.

Mr. DENMAN begged to call their lordships' attention to a special case, viz. the examination of the witness Majochi.

The LORD-CHANCELLOR said, nothing could be more irregular than the cross-examination of the same witness a second time.

Mr. BROUGHAM.—Most certainly, as a general rule, nothing would be more irregular than a cross-examination of a witness a second time. But, my lord, you will consider, that what has been denied to our application has placed us in a most peculiar situation. We can know nothing of those witnesses until they are brought to this bar. We have no intimation of their previous life or residence; and, therefore, out of this peculiarity may well arise another peculiarity, *uni quo comites*, that unless we are allowed to cross-examine now, and in subsequent stages, we are, in fact, deprived of the benefit of a cross-examination at all.

The LORD-CHANCELLOR said, there could be no objection to the examination of the witness, as to resi-

dence and other circumstances personal to the witness.

Mr. BROUGHAM said, that he should only direct his question to what regarded time and place, leaving colour and form to another period. He should also wish to ask a few questions of the witness, as to the description of herself; but he trusted their lordships, if in putting these questions he should be led into any more general examination, would not rashly conclude (he begged pardon, they could do nothing rashly) that he was violating the understanding.

Lord ERSKINE said a few words, which were inaudible.

CROSS-EXAMINATION.

Cross-examined by Mr. BROUGHAM.—How long were you chamber-maid at the inn?—One year and three-quarters.

Were you married at that time?—No, I was not.

Were you married after you left the inn?—Yes.

What were you before you were chamber-maid at the inn?—I had served before.

Where had you been in service?—Easter-frieden. It is a little village.

In what place were you in service before you were at the inn?—I was just before at my father's.

Were you as servant in any family before that?—Yes.

In what capacity, and where?—In several families.

Name one?—Mervey.

What is Mervey?—He is landlord of an inn.

How long were you chamber-maid in that house?—Six months.

Where did Mervey live?—At Berg-barten.

Where were you before servant?—At the court of the Grand Duke of Baden.

How long were you there?—Six years.

How old are you?—Just twenty-five.

Had you ever been in any occupation but that of servant?—I was going to say, that I had been half a year in another situation.

At what place was that?—At Karlsruhe.

What was the name of the family at Karlsruhe?—Schemble.

What business was the person you lived with?—A landlord of an inn.

What was your employment in the inn?—Keller-maid.

What is the office of keller maid?—To cleanse the public room.

Had you any other employment in that inn?—No.

Is the waiter in an inn also, called keller-man?—Keller-man.

Is it the business of the keller-maid to attend upon the keller-man?—She does nothing but cleanse the rooms.

How long have you been here?—Two days and three weeks.

With whom did you come here?—With a courier.

What was the name of that courier?—Riesner.

Did any body else come here with you but the courier?—My brother did; I did not like to come alone.

What is your brother's name?—Friederick Kleinbeck.

What age is he?—About twenty-eight. I cannot tell with certainty.

Who paid your expenses on coming over here?—I do not know; the courier paid them.

Who asked you to come over here?—Our Minister; his name is Balstead.

Did any other Minister ask you to come?—Monsieur de Galin.

[We could not ascertain that this is exactly the name.]

Who is Monsieur de Gaivne?—He is a person at our court, but I do not know his office.

Did any other person speak to you about coming here?—The Ambassador at Wirtemburgh.

Did any other person speak to you about coming here?—Monsieur di Rhaden.

What is he?—The Minister of Han-over.

Does he live at Karlsruhe?—Yes.

Where at Karlsruhe does he live?—At a Jew's house.

Did he live any where else but at this Jew's-house?—I cannot say.

Did he often come to the inn where you were?—I never saw him at the inn.

Did he examine you?—Monsieur de Grim examined me.

Who is Monsieur de Grim?—

[Witness said the Ambassador of some German State, but we could not catch the name.]

Did you ever leave Karlsruhe before on this subject?—Yes.

Were you ever at Vienna?—No.

Did you ever see Colonel Brown?—No.

Or Mr. Deering?—Yes, at Hanover.

When did you go to Hanover?—On leaving the Post-office I was called to go to Hanover.

Who called you to go to Hanover?—Di Rhaden.

How long were you at Hanover on that occasion?—Six or seven days.

Were you examined at Hanover on this subject?—They asked me if I had seen certain things, and I said I had seen such and such things.

Did you go back to Carlsruhe from Hanover?—Yes.

What did you get for going to Hanover?—I received a small sum in payment for the time I had lost.

How much was that sum?—A little, very little.

It will be the easier for you to remember how much it was?—About 16 or 18 ducats—each ducat is five florins.

What wages had you at the inn?—Twelve florins a-year; but that was because I was supposed to have perquisites or benefits.

Did anybody else give you anything? No, I got nothing else.

I don't ask if you got nothing else then, but have you got any thing since?—I have been fetched to Frankfort.

Who fetched you to Frankfort?—A *valet-de-chambre*. (We could not collect whose *valet-de-chambre*.)

What were you asked when you were fetched to Frankfort?—What I had seen.

And what did you say you had seen?—The same thing that I have said here.

What money was given to you for going that journey to Frankfort?—Twelve or 14 ducats.

Have you received any thing else since?—No, except from the gentleman who fetched me here.

Do you mean here the courier?—I don't know what a courier is.

How often did you go by the post?—Twice.

What were you told then?—That I should go to London; and I said I would not, unless forced to do so.

What was then said to you?—That I had better go willingly, or I should be obliged to go.

Did you get any thing?—A ducat each time—only the second time.

Were you promised any thing?—Nothing at all.

Here Lord LAUDERDALE moved that counsel be ordered to withdraw.

After counsel had withdrawn, Lord LAUDERDALE rose, and stated that he understood the object of the counsel, in going into the present cross-examination, was to supply the information which they should have had, if a list of witnesses and a specification of places had been previously granted by the House. He wished to know if he was correct in his construction of the rule which had been laid down, or not. If he was, it must be evident to their lordships that counsel were not conducting this cross-examination agreeably to that rule. Instead of merely obtaining such information as was necessary to ascertain the character of the witness, by knowing the place she lived in, the persons she lived with, &c. &c., counsel was entering at once into an examination which affected the credibility of the testimony which the witness had given. If their lordships allowed this course to be followed, it would be sanctioning a double cross-examination of the witness, and be attended with the most serious evils to the illustrious parties concerned. It would, for instance, allow the counsel, who was prosecuting in this case, advantages in summing up which he ought not to have. He, therefore, thought the House ought to decide on this question, so as to let it be known distinctly how counsel were to act.

THE LORD-CHANCELLOR certainly thought that the learned counsel had gone far beyond the limits which were allowed in this cross-examination. If it were persisted in, he would say, that it would not only be irregular but dangerous in the extreme, as the noble lord had said the counsel on the other side might take advantage of it in his summing up, and also in choosing what witnesses he would henceforth bring up.

Mr. BROUGHAM begged to say, that when an objection was made at the bar he could meet it, but in this case he found it difficult what to do.

THE LORD-CHANCELLOR thought it would be the best way for the House to confide in the honour of the counsel on both sides, and for the counsel to confide in the honour of the House.

Lord SIDMOUTH objected to the line which counsel was pursuing.

Mr. BROUGHAM.—As he had his

choice of a general cross-examination at a subsequent period, would certainly choose that in preference to one at present; but the question he had put was within the prescribed bounds, for it went to prove the identity of this witness. He hoped he would be allowed to ask the witness where she is now?

The Duke of HAMILTON said a few words expressive of his opinion, that if his wishes and those of many other noble lords had been acceded to, and a list of witnesses, and a specification of places granted to her Majesty's counsel, all the difficulties and trouble that now attended the proceedings would have been avoided.

Lord LIVERPOOL thought the whole question before the House was, whether the witness should be cross-examined now or hereafter—to a certain extent, in his opinion, it should be allowed at present. His wish was that the evidence produced might be sifted to the bottom—there appeared to him no way to act, but to impress on counsel and on the House, that justice, was the object of this investigation.

Lord DONOUGHMORE spoke at some length and with great warmth. The House ought so have stopped the manner in which the proceedings were conducted before, and at all events ought to stop it now. On former days the House had fallen into great error. His lordship then alluded to the public press, which he said, had been allowed to do great injury, great injustice, by the facilities of the House.

After some further objections, the LORD-CHANCELLOR put the question from the woolsack, that the question proposed by counsel should not be put, which was carried.

Mr. BROUGHAM was about to submit some remarks, when

The LORD-CHANCELLOR said that he should first put another question, which, if objected to, he might argue in support of, but he could not be permitted to observe on the proceedings of the House, which disposed the former question.

Mr. BROUGHAM then asked witness where she resided at present? to which she replied at Carlsruhe.

Mr. BROUGHAM then asked where she resided in England?

The ATTORNEY-GENERAL objected to this question. If their lord-

ships postponed to a future period the examination of the witness, it would be quite impossible for the counsel for the prosecution to sum up. Their lordships would not forget that justice was due to both parties; they would not place, by a rule of this nature, one of the parties in a situation in which he would venture to say, that in no case that ever before had occurred had a party been placed.

Mr. BROUGHAM should confine himself to the question before the House, and that was, whether the question he had proposed to the witness should or should not be put. He asked the witness, Where she now lived? And the Attorney-General, said Mr. Brougham, objects to my putting this question; and the ground of his objection is this: he contends, not that I have not a right to put the question, but that I ought to put many more questions—namely, that I should now go through with the whole of the cross-examination. I am not now going to argue this question. I have been put to my election on this point by your lordships, and I have elected that I would not examine now, except in the very narrow limits to which I am confined (and of which I do not complain,) by your lordships' prescription. Your lordships have laid down the rule, and I am not, I apprehend, called upon to answer any objections that may be made against it; and it would be assuming on my part that your lordships were in error, did I reply to the arguments on the part of the prosecution; for the Attorney-General has now, at length, stated, that he appears here on the part of the prosecution. I cannot anticipate that your lordships should change the rule that you have just laid down; and the only question therefore is, whether I am at liberty or not to ask the question. I conceive that it comes perfectly within those prescribed limits; but if your lordships think otherwise, I, of course, shall be bound by your decision. I confess that I may transgress those limits that your lordships have chalked out for me, and of which you are the only competent judges. I wish to ask the witness where she now lives in England?

The LORD-CHANCELLOR felt that this was a question of considerable difficulty; and if he might be permitted to refer to a case, he would

say, that upon reflection he had been induced materially to alter his opinion on this subject. If the House had adopted a right view of the subject, in God's name let them abide by it; but if not, let them not be prevented, by any trivial considerations, from retracing their steps and rectifying their error. If the cross-examination ought to be permitted to the extent to which they had confined it, they would recollect that the re-examination could not take place, nor could they put a single question to the witness.

Lord GRENVILLE.—It appeared to him, that before they proceeded farther in the business, it was of extreme importance, that in this condition of it, the present question should be once for all determined. When witnesses were first cross-examined as to particular points, with a view that they should afterwards be more fully cross-examined, some strict and inflexible line should be laid down, beyond which they ought not be permitted to pass. To adhere to that line would be their duty, and he was convinced that they would not fail to discharge it. But with regard to the propriety of permitting such a course of cross-examination, it was natural that counsel should be heard, and that their lordships, after having duly weighed the subject, should invariably adhere to that course which justice required them to adopt. Great as the difficulties were of taking particular cross-examinations, and ably and justly enumerated as they had been, yet even that enumeration did not embrace all the difficulty, nor comprise the various mischiefs to which such a course was necessarily liable. He could not help thinking, that this was a question which called for deep and serious consideration; whether that consideration was had by an adjournment, or some other mode, mattered little. They would otherwise find, that every day, nay, every hour, would increase those difficulties, until, at last, their error would be irremediable. If the course which they had hitherto laid down were inconvenient and unjust, they would correct that inconvenience; and their lordships were too wise and too just not to retract, if, indeed, it were necessary to retract, their steps.

Lord REDESDALE thought that the House should come to no resolution on this subject, that might be

hereafter of general application, and become the law and usage of Parliament. Whenever they departed from the ordinary practice upon special cases, it was not customary to suffer such exception to remain on the journals, as applicable to any other case.

Lord ERSKINE said, that the noble lord had spoken of the usages of Parliament, without considering that the whole proceedings then before the House was foreign to the usage of Parliament. Had the list of witnesses been furnished, the difficulty would have thus been obviated. But a person called to answer for crimes alleged to have been committed beyond the seas, — a person not resident for any considerable period in any particular place, with a band of witnesses collected from all parts of the world, — to meet these charges must find it difficult, not to say impossible to furnish that kind of evidence that might set aside altogether the credit of such witnesses. And therefore it was only equitable that the learned counsel should, in the absence of that information, be permitted to collect those facts which were hitherto concealed from him, much as he deprecated the mode of examination to which he was for that purpose compelled to resort. Besides, in the present case, the whole of the evidence was permitted to be published, and until the minds of men were made of very different materials from their present constitution it was impossible that such publication would not make an impression; that however might have been greatly obviated by the knowledge that must have been furnished by a list of witnesses, since the cross-examination might thus have commenced immediately after the direct testimony.

Lord LIVERPOOL said, that the noble baron opposite (Lord Grenville) had suggested the propriety of taking some time to consider the subject of permitting the further cross-examination of witnesses, and to such an adjournment he could have no possible objection. He was desirous, however, in the first instance, of saying a few words, as to what were the state of the proceedings; and with respect to the difficulties and inconveniences to which they were thus necessarily subjected, they appeared to him to arise out of the nature and constitution of the court itself. — The noble and learned lord op-

posite (Lord Erskine) had observed, that the inconvenience would have been obviated by furnishing the counsel for the defence with a list of witnesses; it might have been diminished, but it would not have been obviated: and it was shown, when the noble and learned lord brought forward his motion on the subject, that it was contrary to the usages of Parliament, and also to every principle of substantial justice. But their lordships would recollect that they possessed an unlimited power, not only of examining witnesses as counsel, but of cross-examining and re-examining them, and that privilege they had been in the constant habit of exercising. In short, they united with themselves all the functions that belong in the courts below, to counsel on both sides and to the court. But that was not all; they had a power of calling back a witness even after his examination was closed. The difficulty, in the present instance, had grown out of the nature of the court.—Had the alleged crime been committed in England, a great part of the difficulty would have been removed. It would have required but the delay of a few days to procure the necessary evidence on the part of the defence. But if, in the present case, the counsel asked for such short delay as to the House appeared reasonable, to inquire into the character of the witnesses, the house would not refuse them. Of course a much greater delay would be necessary to prepare the defence in the present case, than if the alleged crime had occurred in this country.

Lord GRENVILLE recommended the necessity of enforcing some strict and definite rule, either by resolution or otherwise, leaving it open to the respective counsel to argue either in favour or against the rule. He should move, for that purpose, that the House adjourn.

The Marquis of LANSDOWN said, he concurred in all that had fallen from his noble friend, as to the necessity of deciding on some definite course of proceeding. It was of the highest importance, as well to the interests of the cause itself, as to any other analogous causes which may be regulated by such a precedent. Whatever may be the decision, it was of the first necessity that when once laid down it should never be departed from. There

were two modes open to their lordships' choice, either to adopt a resolution on which counsel might be allowed to argue, or without adopting any resolution, leave it open to the suggestions of the counsel to press their respective views on the consideration of their lordships. The latter course he preferred; but what he more particularly rose to impress upon that House was, that it should not adjourn that day before it communicated its orders to the counsel. Without such a communication it was impossible for them to know the line of proceeding they ought to adopt.

Lord GRENVILLE concurred in the proposition of his noble friend; but thought that the more proper mode was to propose, that as the rule was that the cross-examination of witnesses should follow immediately the direct examination, it should be open to the counsel against the Bill to argue in favour of a departure from it in the present instance, and that the counsel for the Bill should then be heard in objection.

Lord ELLENBOROUGH felt that as it was the duty of counsel to be prepared at all times, the argument should at once proceed.

A resolution to the effect suggested by Lord GRENVILLE, was then put and carried.

The counsel were then called in, and a communication of the resolution of the House was made to them by the Lord CHANCELLOR.

Mr. BROUGHAM said, the very great embarrassment under which he was then called to address them, by the resolution just read, could not be unfelt by their lordships. That resolution called upon him to state, thus suddenly, his objection to a rule which, in its application in the present instance, must essentially affect the interests of the particular cause in which he was engaged, as well as the great ends of public justice. He knew he was bound by his professional duty to be ready at all times to state those suggestions, which he may deem conducive to the interests of his client for the time being. Those interests he was bound specially to protect—the interests and ends of public justice, it was their lordships' more immediate duty, to secure; and these ends he contended were best attained by allowing each party to uphold its own in-

terest in the way rendered most advisable by their respective counsel, though in any ordinary case where he could shape his progress by rules and principles, supplied either by precedent or analogy, he should not have complained of being thus summarily called upon to state his views; yet, with the greatest confidence in their lordships' justice, he must be allowed to consider it extremely hard to be then called upon to point out a general mode of proceeding, where he had neither precedent nor analogy—where every thing was wholly new in principle and in detail. Besides, it would be recollected, that though he stood at that bar as the leader, and with the whole responsibility of that trust upon his shoulders—a responsibility from which he could appeal to their lordships to say that he had never shrunk; yet he was not prepared to meet the call that was made upon him by stating the result of the opinion of his five other colleagues, without having been allowed even a minute to ascertain what their great and acknowledged talents might suggest on a subject as delicate as it was difficult. It was impossible for him, deprived of their co-operation, to say, whether he ought to make any suggestion to their lordships; whether he ought not to leave the question to their lordships' sole disposal; whether, after the refusal of the list of witnesses and of the specification of the places where the presumed facts were alleged to be committed, he ought to take upon himself the responsibility of pointing out a new course after that refusal; leading as it did to considerable mischief—a mischief which has tainted the whole proceeding and made every step taken only an increase of their difficulties.—Whether the course most advisable to take, would be for your lordships to retrace your own steps to prevent the mischief so far, as, if persevered in, it would affect future proceedings, for of the past there can be no remedy.—These are views of the question, which no man can be expected in a moment to consider and decide on. We are feeling in their fullest force all those mischiefs which were originally foreseen. The difficulties now acknowledged, have flowed from those very measures which this House had adopted.

Lord LIVERPOOL rose and ob-

served, that if the learned counsel was not prepared then to argue the question then, he might ask for delay.

Mr. BROUGHAM said, he was merely running over the difficulties in order to shew that it was impossible for any man to state thus summarily the course that ought to be pursued.

The House then adjourned, and the argument stood over till Monday.

MONDAY, August 28th.

The whole of this day was occupied in discussion on the part of the peers, as to the latitude which the counsel for the Queen were to be allowed in their cross-examination of the witnesses in support of the bill before the house.

It was finally agreed, on the motion of Lord LIVERPOOL, with a view to hearing counsel on the subject, that a resolution should be adopted on which to afford them an opportunity of offering their sentiments to the House.

In pursuance of this suggestion, the Lord Chancellor proposed that the counsel should be called in, and that the following resolution should be communicated to them: "That the House having taken into consideration what had been communicated to them respecting the cross-examination of witnesses on Saturday, the House discharged the order, and proposed, that in future, the cross-examination should be conducted in the usual way, immediately after the examination in chief; with full claims, on the part of her Majesty's counsel, of calling back the witnesses, if facts or circumstances not known before should require it." And I am desired by the House to inform you, that if you have any arguments to offer against this rule, they are ready to hear you.

The House having agreed to this resolution, counsel were called in, and the Lord Chancellor communicated to them the determination to which the House had come.

Mr. BROUGHAM and Mr. DENMAN were heard at great length against the limitation which this rule was calculated to impose upon them in the course of the important duty which they had to perform. They contended for their right to examine and cross-examine the witnesses both now and hereafter in such a manner as appeared to be most consistent with the interests of their illustrious client.

This they were the more entitled to from the Queen having been a list of the witnesses to be brought against her, and a specification of the places in which it had been alleged the offences imputed to her had been committed.

The ATTORNEY and SOLICITOR-GENERALS having been heard in answer, Mr. BROUGHAM replied. The House then adjourned.

TUESDAY, August 29th.

This morning Lord LIVERPOOL moved to withdraw the resolution which he yesterday proposed, and upon which counsel had been heard, and to substitute in its stead, "That the counsel be called in, and informed, that the House consented, under the special circumstances of the case, to allow them to proceed in the cross-examination in the way in which they had proposed." After much discussion, during which, for the sake of form, the proposition of Lord Liverpool was proposed as an amendment to the resolution of the preceding day, a division took place. The numbers were: Contents, 121—Non Contents 106—Majority 15.

Lord ERSKINE, adverting to the difficulties into which the House would necessarily be plunged by the intended mode of proceeding, moved, "That the counsel for the bill be instructed to deliver a list of witnesses remaining to be examined, with a specification of the times and places to which the testimony of such remaining witnesses was to be applied, and that the house should afterwards adjourn till such time as should be judged necessary for the Queen to prepare her defence.

Lord LAUDERDALE said the House had already sufficiently manifested its determination on this subject.

A debate followed, and a division took place.

Contents, 61—Non Contents, 164—Majority, 103.

Counsel were finally called in, and The LORD-CHANCELLOR stated, as the resolution of the House, "that her Majesty's counsel might be permitted to cross-examine the witness as far as they should think fit in the first instance, with liberty to call them back for further cross-examination when such course should seem to them desirable."

BARBARA KRESS was then recalled, and her cross-examination was continued by Mr. BROUGHAM, through the medium of Mr. Charles Kersten, the Queen's Interpreter.

She now lived in a private house, with her brother. She came that morning in a coach, over a bridge. Nobody beside her brother lived in the house with her, except the people of the house. Neither her brother or any one else had promised her any thing, but they said she should have reimbursement for the time she had lost, when she got home. It was the Duke of Birksted who told her this. He was a minister. After the Princess went away from the inn at Carlsruhe, Baron Von Grimm walked about the rooms. He was there before the Princess came. Heran about; went through the apartment, and took the key of the room. Two gentlemen were with him. Baron Von Grimm, as far as she knew, was Ambassador from Wurtemberg. She never saw the Princess dine at the inn. She had seen the Grand Duke come to visit the Princess, and another gentleman with him. It was when she was making the bed that she saw what she had described. That was the first bed she made, when "they left" it, except the bed of her master and mistress. She was assisted by two servants to turn the mattress. They came with the Princess. When Baron Birksted talked to her of coming to England, he said she would be forced to go; and she answered that she would go, and God might settle the business as he pleased. [Here the witness was a good deal affected.] She could swear that nothing had been promised to her. She knew a place called the "Glass House," near the gates of Carlsruhe. She had walked there with her husband for pleasure. She had been there also with her brother and sisters; that was by day, and never by night. After she saw the Princess and Bergami in the room together, she went to the Countess of Oldi's room, No. 5, with some water. She did not go for the purpose of seeing whether the Countess of Oldi was there. She just carried the water there, and saw the Princess and the Countess. She could swear that she never had any conversation with any body respecting her going to Baden to see whether the Countess of Oldi was there. She did not know a

Captain or Major Jones in this country. She had been in no house, except that in which she lived, since her arrival in this country.

Examined by the PEERS.—After the Princess went away, she told Baron Grimm what she had observed. After she had seen the Princess and Bergami, she frequently went to the room, and attempted to go in, but found it locked.

By the Earl of MANSFIELD.—When she observed the bed of Bergami in the morning, and saw the stains of which she spoke, it had not the appearance of two persons having slept in it. The pillows, or cushions, lay one on the other, as far as she could recollect.

The witness then withdrew.

NINTH WITNESS.

[GIUSSEPPI BIANCHI.]

GIUSSEPPI BIANCHI was then put to the bar. He deposed as follows:—

I am an Italian Swiss: I live at Venice: I am guard or door-keeper to the inn of Grand Bretagne. I saw the Princess of Wales twice at Venice: the first time, five years ago: she was at the Grand Bretagne inn. She was there three days, and then went into an adjoining house. She had three couriers: a Brunswick courier, Bergami, and Majochi. I went to carry something to the house in which the Princess was, every day. I recollect a jeweller coming to the house. The Princess bought of him a gold chain. This was at the time the company was going to get up from dinner. Bergami was in the room: he was always behind the chair of the Princess, to change her plate, in the dress of a courier. I saw the Princess and Bergami together after the company left the room. After having got up, the Princess took the chain from her own neck and put it round the neck of the courier. The courier afterwards took it from his own neck and put it round her's; and then he took her by the hand and accompanied her to the saloon. He then came away to dinner. I saw Bergami when the Princess came again to Venice. He was then called by all "Baron Bergami." They went out together frequently arm in arm. They went on the canal together. Twice they went alone. I took the

Princess's hand to assist her into the gondola.

CROSS-EXAMINATION.

Cross-examined by Mr. DENMAN.—I was in the room when I saw what was done with the gold chain. I have been to Milan to be examined. I received nothing but my expences for the journey. To come here I have received nothing but my travelling expences. I have made no agreement nor condition. If they will give me something I shall take it. I saw Colonel Brown, Villmarcati, and a certain Andriani, at Milan. I have lived in this country with twenty or twenty-five more: Majochi is one of them. The jeweller to whom I allude, lives at Venice; his name is Fana. I was told if I did not come willingly to England I should go by force. I saw the English consul (Mr. Hopner) at Venice, but never spoke to him on this subject.

Witness withdrew and the house adjourned.

WEDNESDAY, August 30.

The House met at the usual hour. The counsel being called in they proceeded to the examination of witnesses.

TENTH WITNESS.

[PAULO RAGGAZZONI.]

Examined by the SOLICITOR-GENERAL.—I am a native of Italy: I am a mason: I was employed to work at the Villa d'Este. I was a master mason: I had from twenty to thirty men employed under me at times. When I went to work at the Villa d'Este the Princess of Wales and Bergami were in Greece. I afterwards saw them at the Villa d'Este. I have seen them on the lake together. There was a canoe there in which I have seen them alone more than once or twice. I have seen them alone in the garden. Once I saw the Princess in a chair, with wheels to it. Bergami was pushing her: they were alone. The Baron afterwards got in, and the Princess pushed it. I remember being at work in a grotto in the garden. I was making a cornice to a round room. There was a room adjoining to that room in which I was at work. While I was there I heard somebody enter. I got down off the scaffold, and I saw the

Princess and Bergami come in. There were two figures in the adjoining room, one of Adam, the other of Eve. That of Adam had the leaf of a fig; Eve had a similar leaf. They looked at the figures and laughed together. The leaves were fastened on by iron wires which went round the figures, and they, I mean the Princess and Bergami, put the leaves aside. I placed myself behind a pillar to observe what they were doing; and when I saw them coming towards me I mounted the scaffold, and began to work again at the cornice. I remember a fête given at the Villa d'Este on St. Bartholomew's day. I went home to a place called La Piaze on that occasion at one o'clock or half-past, and went to bed. La Piaze is situated at the end of a walk in a garden which is next the Villa d'Este. I know a person of the name of Dominica Bruizzo. On the night in question he was with me. It was as near as I can recollect half-past one when we passed through the garden. As I went along I saw the Princess and Bergami at the end of the walk. They were on a seat together: they were alone. I have attended the theatre at the Villa d'Este, and have seen the Princess and Bergami act together. The Princess played the character of a sick woman; and the Baron performed the part of a person to go and see her; to feel her hand and perform the part of a doctor. It was an hour and a half after sunset when I saw the Princess and Bergami sitting on the bench at the end of the walk.

CROSS-EXAMINATION.

Cross-examined by Dr. LUSHINGTON.—I was examined at Milan in 1818, by the advocate Vilmarcati. The government of Milan sent for me, that I should appear before the police. They sent a courier for me named Rostelli; he had lived with the Princess at the Villa d'Este. He said, I must go to Milan, because government wanted me; that was all. He did not tell me for what I was wanted. I went because he told me "You must go, because you have been living with the Princess of Wales, and you must tell what you know." I had not before spoken to any person of the circumstance I have now mentioned. When examined at Milan what I stated was

taken down in writing; I signed it. I took the cross I had about me and swore to the truth of what I stated. I received nothing for going to Milan. I was then told I should be sent to England. I came with Rostelli, the courier, to Holland, and from Holland to here I was accompanied by an Englishman.

ELEVENTH WITNESS.

(HIERONYMO MIARDI.)

HIERONYMO MIARDI sworn and examined.

I am a native of Italy. I was in the service of the Princess about two months at the Villa d'Este. I was director of the gardens; that was in the year 1816, or the beginning of 1817. I know Bergami. I knew him before he was in the service of the Princess. He was an excise officer's officer to put the mark upon casks of wine. He was a very poor man. I have seen the Princess and Bergami walk together very frequently. They always went arm in arm. They behaved towards each other as if they were married. I have seen them together alone in a canoe, and in a carriage called Pado Vanello. Bergami was sitting on the back part, and the Princess on his lap. I have seen them together in the kitchen repeatedly. They were eating at a table where the cook was eating: sometimes from one plate, sometimes from two. I saw them near the little garden-gate once—they were kissing. I was behind, and did not see whether they kissed with their mouths.

CROSS-EXAMINATION.

Cross-examined by Mr. TINDAL.—I was sent for to go to Milan in the month of February, 1818, on this subject. I was living at that time at Monza; that was ten miles from Milan. The person who came, and whom I did not know, told me the advocate Vilmarcati wanted to speak to me. I went to Vilmarcati's house, and saw three or four people whom I did not know. They were English: one of them I heard was Colonel Brown. What I said was taken in writing. I signed it. They made me swear to come here. I left Italy for the purpose of coming here on the 29th of June. There were twelve of us. I do not know who the others were: I

know them by sight. Majocchi did not come with us, his wife did. A person named Rostelli first told me to come to England. He had been in the service of the Princess. I do not know that he had been dismissed from the service for stealing corn. I made no agreement for coming here: I had no promise of recompence whatever. Majocchi said nothing to me about his examination.

PAULO RAGGAZZONI was then recalled, and, in answer to questions put to him, said, that he had been examined since he came to England. He did not know the day.

Examined by Mr. BROUGHAM.—The person who questioned him had a paper in his hand; and he was asking him questions whether they were true, and the witness replied, "Yes."

TWELFTH WITNESS.

[PAOLI OGIONI.]

PAOLI OGIONI sworn; and examined by the ATTORNEY-GENERAL.

I am a native of Lodi, in Italy. I was in the service of the Princess of Wales, as under cook, for almost a year. I quitted her service in 1817. I lived with her at the Villa d'Este and the Barona. I quitted her service in 1817. I knew Bergami first at Lodi. This was in 1808 or 1809. I have seen him about Lodi, and then in prison. Upon the witness being asked, "Where in prison?"

Mr. DENMAN objected to this question, as wholly irrelevant to the present case. What he was, or where he was, in 1808, could have nothing to do with the question now at issue. Such interrogations could only occupy their lordships' time uselessly.

The ATTORNEY-GENERAL only wished to know where the witness had seen Bergami, and had no desire to put questions in the slightest degree irrelevant to the case.

Examination continued:—Bergami was in the Princess's service when I went to her. He was Baron. He had the superintendence of the household. I have seen the Princess and Bergami repeatedly together: going out and into the kitchen, and elsewhere. They were arm in arm. I have seen the Princess out riding; the Baron and

one of the servants were with her. The Princess and the Baron went into the kitchen to eat, and sometimes to do something else. They had something to eat. When the Princess was at Barona, she gave some balls; they were attended by the country people in the neighbourhood, and persons of low condition. The Princess did not dance with any of these persons. She danced by herself, and sometimes with Bergami. I know the wife of the innkeeper at the St. Christopher. She came twice to the balls, as did the daughters of the farmer who rented the land of the Barona. The dances were in the "*salle-a-manger*." Other rooms were used next to the Princess's chamber. I have repeatedly seen the Princess and Bergami walking about alone. I know a person of the name of Mahomet. I have seen him performing a dance. (The witness upon being called on to describe the dance, threw himself into various attitudes, snapping his fingers, and moving up and down.) Those were not the only motions he made. I have seen him make many gesticulations. I have seen the Princess present more than once at these dances at the Villa d'Este and the Barona. Sometimes in the kitchen, sometimes in the court yard. Mahomet made a roll in his breeches, and did with it so (making a motion). The witness was then asked as to what this roll was meant to represent, his answer was such as cannot with propriety be described. The Princess laughed, and seemed to be very much gratified. Females were not present at these dances.

CROSS-EXAMINATION.

Cross-examined by Mr. WILDE.—I left the Princess's service in 1817. I was not discharged for drunkenness. When she went to Rome, I was left with six others. My discharge was when she set out, till I received a new order. The order never came. I did not receive any pay from the Princess after that time. I next went into the service of a priest; his name was Cotta Bourbonni. I was out of service six months before I went to him. I supported myself on my house. I was a married man: I had one child. My wife and child did not come to England with me; they are at Lodi. I live with the priest about a year, as fo

man and cook. My next service was with the Vice Prefect of Monza. I was applied to on this business by the police of Milan. I had never mentioned any of the circumstances I have mentioned here before. I said nothing till I was sent for. I was examined at Milan. My examination was taken in writing. I have not seen it since. I have been examined also in England: the person who examined me had a paper which he read.

Re-examined.—When I first landed in England it was at Dover. I stopped one day and a night.

[All further examination on this subject was stopped on the interposition of Mr. Denman.]

Marquis of LANSDOWN.—I wish the witness to state, if he is able, whether, on the occasions on which he has described a person of the name of Mahomet to have exhibited before the Princess, he can declare, from his own knowledge, that Mahomet had been sent for by her Royal Highness?—Her Royal Highness never sent for Mahomet.

By another Peer.—What did Mahomet represent with part of his dress?

You have described this Mahomet making up a roll; what did it represent? It seemed as if it were . . .

Did her Royal Highness, while this dance was performing, remain? Was it all performed in her presence?—She did remain.

How long did her Royal Highness remain?—I cannot precisely say.

Does the witness know the cause of Bergami's leaving her Royal Highness's service?—No.

The Earl of LIVERPOOL expressed a wish that the answer of the witness to the question, whether her Royal Highness had sent for Mahomet, should be read.

The short-hand writer read the question and answer, viz.—“On the occasion in which you saw Mahomet use certain gesticulations in her Royal Highness's presence, can you state, on your own knowledge, that he was sent for by her Royal Highness?—Her Royal Highness did not send for him—not altogether.”

Earl of LIVERPOOL.—Does the witness mean to say, that her Royal Highness did not send for Mahomet at all?—I never saw any person sent to fetch him. I don't know that any per-

son was sent; but I know she came when he was dancing.

How long did she remain present when Mahomet was making those gesticulations?—When she came I saw her; but how long she stayed I paid no attention to, for I attended to my duty.

Viscount FALMOUTH.—The witness says that the Princess gave balls: I wish to know who asked the company; whether it was the Princess, or whether it was the servants were allowed to ask their friends?—I don't know who invited the company. They came, I don't know who invited them, because I attended to my own business.

Then I understand they were not servants' balls?—They were not.

Lord DE DUNSTANVILLE.—Did you consider the motions of Mahomet as the mere customary motions of that person in his dance?—He always made those gestures as a customary act to his dance.

Earl of DARNLEY.—During those exhibitions of Mahomet were there many persons present? Were women present as well as men?—There were no women.

The examination of this witness closed here.

THIRTEENTH WITNESS.

(LOUISA DUMONT.)

LOUISA DUMONT was next called in. The examination of this woman had been looked for with considerable curiosity, and the moment she appeared at the bar, the peers in all parts stood up to look at her. She did not seem abashed. She is a woman of *petite* figure, well made but not handsome. She was dressed with great neatness, and rather expensively. Her gown was of black sarsnet, richly trimmed. On her head she wore a black satin hat, and round her neck a ruff, trimmed with lace. Over her shoulders and bosom was thrown a small white silk neck kerchief. The curiosity of the noble lords having been gratified, they sat down amidst the cries of “order! order!” The Marquis of Spinetto having sworn the witness, he was proceeding to examine her in the French language, when

Mr. WILLIAMS interposed, and begged to ask her if she could not speak English. She answered, “very little.” She admitted that she had been

Luisa Diment



Giuseppe Sacchi

In this country six months; but a subsequent question being put to her in English, she did not seem to understand it, "or to be able to give an answer (cries of "Go on, go on.") The examination then proceeded in French.

Witness said, I am a native of the Pays de Vaud. I had resided at Bologna before I went into the service of the Princess of Wales. I am a Protestant. I engaged with the Princess at Lausanne. I first had the situation of *frume-de-chambre*. I went with the Princess to Milan. In the suite of her Royal Highness were four gentlemen: Mr. Wm. Gell, Mr. K. Craven, Dr. Holland, and Mr. Hesse. The ladies with her were Lady Elizabeth Forbes and Lady Lindsay. When we arrived at Milan, we lodged at the Royal Hotel. I remember a person of the name of Bergami being engaged in that place as courier to the Princess. This was fourteen or fifteen days before we went from thence. During that period Bergami waited at table, and wore the dress of a courier. From Milan her Royal Highness passed through Rome to Naples. I recollect a person of the name of Wm. Austin being with her Royal Highness. He was in the habit of sleeping in the room of her Royal Highness. On the night before we entered Naples, the Princess slept at a country house. I cannot say whether on that night Wm. Austin slept in her Royal Highness's room. Her Royal Highness told me on that evening, that Wm. Austin was too big to sleep in her room, and that he must have a chamber to himself. Up to this period, Bergami breakfasted and dined with the other servants. I do not remember the room in which Bergami slept on the first night of his arrival in Naples. The second night he slept in a room near to that of the Princess. There was an internal communication between the two rooms. There was a small cabinet and a passage, through which an approach might be made from one to the other. There was a door leading out of the passage to the other part of the house; when this door was fastened, and the outer door of Bergami's room, no person could get to the Princess's chamber. The evening after the arrival of the Princess at Naples, her Royal Highness told me when she was dressing, that she was going to the Opera. She returned early, and sent for me. I went to her chamber. The Princess

crossed the passage to which I have already alluded, and entered the cabinet. I do not know where Bergami was at that time. Neither do I know what her Royal Highness did in the cabinet; as soon as she returned into the bed-room, she told me to forbid Wm. Austin to sleep in her room, as she wished to be quiet. Wm. Austin slept in a small cabinet where he remained all the time. That cabinet was near to the chamber of her Royal Highness, and there was a door of communication between them. I saw that door shut on the night in question. When that door was shut, there was no communication between the cabinet and the passage. There were two beds in her Royal Highness's chamber: a large bed and a travelling bed. She usually slept in the travelling bed. It was made up for her that night. I saw afterwards, that there were no sheets on the other bed. I remained some minutes with her Royal Highness before I left the room. I saw her Royal Highness extremely agitated. I do not know where Bergami slept that night. I believe —

Mr. BROUGHAM.—We do not want your belief.

I do not recollect precisely the hour at which I saw her Royal Highness the next morning. It was about eleven o'clock, nearly her usual hour of rising. I did not see Bergami the whole of the morning. The first time I saw him that day was at dinner. I took notice of the travelling bed that morning. I observed that nobody had slept in it, but that the large bed had been slept in. It was not much deranged, Mr. Jeronymus slept near her Royal Highness. That was in a room before entering the room of the Princess. It was in a room off the corridor. The two doors opened into the same passage. I have seen Bergami in the Princess's bed-room often at Naples. I assisted her Royal Highness in making her toilette, on those occasions I have seen Mr. William Austin and Bergami present. Bergami was a courier at that time. Wm. Austin was 15 years of age. I have frequently seen Bergami in the Princess's bed-room. Her Royal Highness was sometimes dressed and sometimes not. Bergami entered, and went in and out. I have seen Bergami in the passage which I mentioned at night. Her Royal Highness was then in her bed-room undressed. I was near her Royal High-

ness's bed-room, I saw Bergami come out of his room, and come through the passage, he went towards the Princess's bed-room. He was not dressed at all (a laugh.) He had slippers on his feet; I saw no stockings; he had nothing on but his shirt. The Princess had not got into bed. When I saw Bergami in this way, I ran away; I escaped by a little door near me out of the apartment of the Princess. I did not afterwards observe the state of the smaller travelling bed. More than one appeared to have slept in the large bed. I have always seen it (*memo chose*) the same thing at Naples. It was part of my business at the latter end of our stay at Naples, to make the Princess's bed. I made the small travelling bed. I cannot remember whether I made it up every day. I remember a masked ball being given to her Royal Highness by Murat in a house near the sea. Her Royal Highness dressed herself in a room of the house where the ball was. Her Royal Highness went in the character of a country girl in the neighbourhood of Naples. It was my business to assist her Royal Highness in putting on the dress of that character. I went to the house, and Bergami went also at the same time. Her Royal Highness remained in that character about an hour. Her Royal Highness returned for the purpose of changing her character. The dress she took the second time was that of the Genius of History. She was obliged to change her dress entirely for that purpose. I did not assist her in changing her dress. Bergami went into the room with her Royal Highness; into the room where the toilette was. I stood in the anti-room. I saw Bergami enter the room. He remained about three quarters of an hour. Bergami came out of the room first, and her Royal Highness came out after in a very little time in two or three minutes. Her Royal Highness went down stairs to go to the ball in this character. She was absent about three quarters of an hour, when she returned again into the anti-room. In the dress of the Genius of History; her Royal Highness's arms were bare, her breasts bare, and the drapery was, as usual in that character, ~~loosed~~ *loosed* up before. I did not observe whether the arms were entirely naked. When her Royal Highness came back the second time, she went again into the dressing-room to change her dress.

I went in to assist her. Her Royal Highness took a dress something like a Turkish peasant. Bergami was in the anti-room, and in coming out I saw him arrayed like a Turk. I saw her Royal Highness going down stairs in this dress, and Bergami went with her. The Princess was on Bergami's arm. He was still a courier. The Princess returned immediately from the ball-room. I do not remember whether Bergami returned with or before her. There was a garden belonging to our house in which there was a terrace. I once saw Bergami walking with the Princess on this terrace: they were alone, the Princess leaning on his arm. The Princess was in the habit of breakfasting in a small cabinet near Bergami's room. I remember an accident happening to Bergami at Naples. On that occasion there was a sofa in this cabinet. I know the theatre of San Carlos. I went there with her Royal Highness and Bergami, in a hackney carriage. Bergami went in the same carriage. Her Royal Highness went through the terrace in the garden to a small door which led out of the garden. It was a very gloomy night; it rained. When we went to the theatre we went high to the top, to the saloon where they walked. Her Royal Highness was dressed in a red cloak. Bergami was in a red domino; a large hat was on his head. After we got into the saloon we descended into the pit. When we got there many ugly masks surrounded us, and began to make a great noise and hiss. We had great difficulty to withdraw, and get into a small room. Her Royal Highness's dress was very ugly, monstrous.

Lord HAMPDEN repeated—"Very ugly—monstrously ugly dress."

Mr. BROUGHAM.—I beg to call the attention of your lordships, with great humility, to what appears to me exceedingly irregular. One of the judges in this case enlarges the expression given in evidence, by a construction which the words do not bear. The witness says, "very ugly—monstrous," and a noble lord thinks himself called on—(Loud cries of "Order, order.")

Lord HAMPDEN rose, and said something which we could not hear. ("Order, order.")

The LORD-CHANCELLOR said that if any noble lord thought the

answer was not correct, he had a right to have it corrected.

Lord HAMPDEN made some observation which we could not hear.

The answer of the witness was repeated in the terms originally given.

After this we were three or four months at Naples. Bergami served during that period. The Princess and Bergami were very familiar together. The familiarity commenced from the moment we arrived at Naples. The servants were not in the habit of going into her Royal Highness's room without knocking, unless sent for by her. Bergami never knocked. None of her Royal Highness's suite left her while we staid at Naples. Some remained when we went away. We went from Naples to Rome. Dr. Holland accompanied the Princess. Lady Elizabeth Forbes remained at Naples. Lady Charlotte Lindsay was with her Royal Highness at Rome. From Rome her Royal Highness went to Civita Vecchia, and Genoa. Mr. Hannam joined her Royal Highness's suite at Genoa. Lady Charlotte Lindsay left at Leghorn. The beds of Bergami and the Princess were very near at Genoa. A single room separated them. In this room there was luggage of her Royal Highness, and she dressed there. There was a communication between that room and the room of Bergami. Her Royal Highness breakfasted at Genoa in a small cabinet at the end of the saloon. Bergami was with her. He was a courier then. Louis Bergami and Majocchi waited at breakfast, Louis Bergami was Bergami's brother. I remember the garden at Genoa. I often saw the Princess and Bergami walking alone in the shrubbery. I had to do with the beds at Genoa until my sister arrived. The door between my room and that of the Princess was shut at night. The Princess turned the key inside. In the morning the Princess herself called me into the room. I observed that the bed of the Princess more often had not been slept in—by this I mean generally, in common.

The witness was now asked this question:—You said that after you were in your bed-room the Princess locked the door on the other side; I want to know whether after this you heard any noise as of a door opening? Counsel were here ordered to withdraw.

The Duke of HAMILTON said that he interposed with great reluctance, because he thought the interpreter not quite competent to the task he had undertaken: he should be wanting to himself and to his country, in a case of so much importance, on which the eyes of all Europe were fixed, if he did not take the objection, and say that the mode of interpretation as it had been conducted since this witness was called had not been satisfactory to him.

The Earl of LIVERPOOL said, that the gentleman officiating as interpreter (the Marquis de Spinetto), had shown himself an excellent Italian, but he did not seem quite so perfect in the French language. He was not aware that any material mistake had been made by him, but the Interpreter had certainly appeared embarrassed sometimes, and it might be better if a gentleman could be procured more conversant with French.

The SOLICITOR-GENERAL said, that from the inquiries they had made they had reason to think the Marquis de Spinetto perfectly competent to discharge the duty he had undertaken. He and the interpreter on the other side had only differed regarding a single expression.

Mr. BROUGHAM attempted to speak, but was interrupted by cries of "order."

The Earl of HARROWBY admitted that the Interpreter did not seem sufficiently acquainted with the idiom of the French language, although he was not aware that he had made any mistake; of his general intelligence and competence, as far as his own language was concerned, there could be no doubt (hear). It was necessary, however, that a person should be provided well versed in the respective idioms of the two languages, French and English.

The Earl of ESSEX, as we understood, instanced a misapprehension into which the Interpreter had fallen.

Earl GREY agreed that no unfaithful translation had been given by the Interpreter, and that his task was an arduous one, recollecting the liability of confusing three languages, two of them not his own. He had hitherto performed his duty in his native tongue in the most satisfactory manner.—(Cheers).

The Duke of HAMILTON meant

to cast no imputation on the gentleman who had so well performed his duty hitherto. ("Go on.")

Mr. BROUGHAM endeavoured to obtain a hearing. ("No, no—go on." "Order.") The Solicitor-General had been heard, and in mere fairness he might be allowed to say, that he and his friends had no complaint to make against any part of the interpretation hitherto made, as far as they were judges of the subject. The French of the Marquis de Spinetto was certainly not so good as his Italian, but at least for this day he had no objection to its being continued, and to-morrow another Interpreter could be procured. (Hear.)

The Earl of LIVERPOOL had made inquiry, and found that to-morrow morning another Interpreter would be in attendance; in the mean time the house might proceed as it had begun. ("Go on, go on.")

The Earl of LAUDERDALE suggested that both parties should be provided with a French Interpreter.

The LORD-CHANCELLOR so informed the counsel.

Mr. BROUGHAM added, that an Englishman, who thoroughly understood French would make the best Interpreter. The examination of the witness was then continued.

The question put at the time when the Duke of Hamilton interposed was read to the witness, who said "I have sometimes heard a noise of a door opening toward the side of the Princess, but I did not know if it were the door of her room."

Was there any other door that you recollect in that direction, excepting the door of the Princess's room, or of Bergami's?—There was a third door, leading into the dressing-room of her Royal Highness.

Was that the room you described as being the room between the bed-room of the Princess and that of Bergami?—The room was between the two rooms; there was a third door, which was the room where her Royal Highness dressed herself.

After you heard the door open, did you hear any noise in the Princess's room during the remainder of the night, or was all quiet?—All was quiet.

Was it your business at that period to make the bed of the Princess?—Yes.

Will you describe what you were in

the habit of doing to the bed?—I laid the cushions, and I spread the clothes.

Did you make the bed entirely?—Very rarely.

Why did you not?—Because there was no need of it; it was made.

Was it in that state in the morning always when you went for the first time into her Royal Highness's bedroom?—Generally, almost every morning.

On farther examination witness proceeded thus;—The Princess remained at Genoa nearly two months. During that time Luigi Bergami entered her service. Faustina came to her Royal Highness's house from Milan. She remained during the rest of the time her Royal Highness was at Genoa. I know Bergami's mother. She was called Neuma (grandmother). She continued to reside at the Princess's at Genoa. There was a little child, the daughter of Bergami, about two or three years old. While at Genoa, her Royal Highness went to look at a country house, because she wished to live there, as it was distant from the town where there were many English. From Genoa her Royal Highness went to Milan. Lady Charlotte joined her Royal Highness at Genoa. On the road I saw Bergami. The Princess often gave him something to eat, and asked him if he wanted any thing. He was on horseback, dressed as a courier. At Milan we went to the Borromeo. Here the bed-rooms of her Royal Highness and Bergami were again close together. Lady Charlotte Campbell continued with the Princess at Milan about a month. After she went away there was no English lady left in her Royal Highness's suite. Another lady then came as maid of honour, the Countess of Oldi. The Countess was sister to Bergami. I knew this two months after her arrival. The Countess could not speak French. Her Royal Highness spoke very little Italian.

Did you make any observation on the language of the Countess of Oldi as to be able to know whether she was a woman of distinction?—I always observed that she spoke very vulgar Italian.

Did you ever see any of her writing?

Mr. WILLIAMS objected. The question could not be put if any inference were to be drawn as to the style of the Countess of Oldi.

Mr. BROUGHAM.—This is the

first time a woman has been asked to cyphise the style of another woman in a language which is not her own.

The SOLICITOR-GENERAL.—Perhaps the answer may be that she could not write ("go on, go on.")

The Earl of LAUDERDALE made a remark which was not audible by us.

The LORD-CHANCELLOR.—You may ask whether she could read and write ("go on.")

Did you make any observation on the manners of the Countess of Oldi? In your judgment were they the manners of a lady of distinction or not?—(Cries of "No, no," interrupted the reply of the witness.)

Mr. BROUGHAM.—We make no objection to the question: we beg that the opinion of this Swiss chambermaid on the manners of ladies of distinction may be put down and registered.

The LORD CHANCELLOR.—Then, if there be no objection, why do you not go on?

Did you observe if the manners of the Countess Oldi were those of a gentlewoman, or not?

The Interpreter said, that he could not put this question, as there was no word for gentlewoman in the French language.

[This observation occasioned much laughter.]

Did you make any observations on the manners of the Countess Oldi?—No.

I remember a gentleman of the name of William Burrell being with her Royal Highness at Milan. He did not remain very long; I do not remember precisely. A month, more or less. Dr. Holland quitted at Venice. No other English gentleman, except Mr. Hannam, remained in the service of her Royal Highness. From the Place Borromeo her Royal Highness went to Como, to the Villa Villani. There was a gallery round the house inside at the Borromeo. I have seen Bergami opening his window to call his servant. He had on a blue silk gown which the Princess generally put on in the morning. I had seen the Princess wear it often before. After Mr. Burrell went away, there was more freedom in the house. They played in the saloon (her Royal Highness and the servants) every evening. They played different frolics; blind man's buff. The Princess played sometimes. This was after Mr. Burrell's departure. The

Princess and Bergami lived very free towards each other. The Princess went to the Villa d'Este at the beginning of September.

Adjourned at five o'clock.

THURSDAY, August 31st.

LOUISA DUMONT was again called, and placed at the bar. Her examination-in-chief was then continued by the Solicitor-General.—In consequence of the objection taken yesterday to the interpretation of *she* Marchese Spinetto, a fresh Interpreter was sworn. The witness, in answer to the questions put to her, proceeded as follows:—

While the Princess was residing at the Villa Villani, she made a tour to St. Gothard. On her return from the tour she stopped at the Borromean Islands. She slept there. She dined, I think, at the Barezze. I was with the Princess before at the Borromean Islands. She slept there on the first occasion. I remember the apartment in which she slept. That was on a journey which the Princess made from Lussanne to Milan. The most elegant apartments that could be found in the islands were prepared for her Royal Highness. They were at the Borromean Palace. The apartment in which the Princess slept on her second visit was remote from that in which she slept when she went there first. Bergami slept near the apartment of her Royal Highness. This apartment was prepared for the Princess after her arrival. It was, as far as I can recollect, a large room. I do not recollect whether there was any communication between the apartment of Bergami and that of her Royal Highness. I recollect her Royal Highness going to Bellinzona. She dined at an inn there. Bergami sat at table with her Royal Highness. He was dressed like a courier, with his courier's clothes. I do not know whether he acted as a courier on that journey. He was not riding on horseback but in the carriage. It was not in the carriage of her Royal Highness. I believe she did not dine more than once at Bellinzona. She returned to the Villa Villani, and then to the Villa d'Este. As far as I can recollect this was in the month of September. Upon her return her Royal Highness slept at Lugano.

I recollect the disposition of the

rooms of her Royal Highness and Bergami when they first arrived at the Villa d'Este. You first went into a dark anti-room—then into a small corridor or passage; then there were two rooms, and then there was the sleeping room. These two rooms communicated with each other. The second of them communicated with the bed-room. The sleeping-room of Bergami communicated with the same dark anti-room that I have mentioned. I have never seen any other communication with the Princess's bed-room. There was a small and very narrow cabinet between the room of her Royal Highness and that of Bergami; nobody slept in that cabinet. When the doors that opened from the dark room, which I first mentioned, to Bergami's room were closed, nobody could get into his room but through the small cabinet. The Princess sometimes retired to bed at the Villa d'Este at ten, and sometimes at eleven o'clock. Sometimes when I was in the Princess's bed room, Bergami came there with her. They came through the two rooms which I have described. Bergami did not remain long. Sometimes he passed through the rooms which I have described, and sometimes through the door of the little cabinet. The cabinet served as a passage. I undressed her Royal Highness every night. After I had undressed her I retired through the two first rooms. Her Royal Highness often accompanied me as far as the door, which she locked after me. This has happened when Bergami was in his own room—never when he was in her Royal Highness's room. I attended her Royal Highness in the morning. I entered her room by the same communication which I have described. Sometimes I observed the door leading from her Royal Highness's room into the small cabinet half open. I never saw Bergami then. I have seen Bergami in the morning before her Royal Highness was dressed, at the door of his room calling for his servant. I have seen her Royal Highness at the same time at the door of the large room when she called me. She had on those occasions generally a mantle of silk, which she wore in the morning. She had nothing else on. Bergami had on a blue silk mantle that had belonged to the Princess. At the time I am now describing they were about 20 paces from each other. They

spoke to each other. The doors were open. I saw this several times. I have seen her Royal Highness and Bergami together on the lake on their first visit to the Villa d'Este. They were in a small canoe—alone. I have seen them walking together arm in arm. I remember the little Victroline being with her Royal Highness. She called her Mamma. I remember that happening before they got to the Villa d'Este. Bergami usually dined at our table. I remember he dined once with her Royal Highness, as far as I can recollect. That was before the voyage to Greece. I remember once her Royal Highness coming into the room while we were at dinner. Bergami and his mother were at the table. Her Royal Highness, on that occasion, sat down by Bergami. Jeronymous at that moment was not at our table. He came afterwards. Her Royal Highness said, as he was coming, "Here comes Jeronymous, and I must go;" and then she went out immediately. I accompanied her Royal Highness on the voyage to Greece. I remember her arrival at Palermo. It was on board the *Leviathan*. I remember being on the deck of the *Leviathan* early one morning, and afterwards seeing her Royal Highness. She was in her cabin on the poop. She was in bed. I do not know whether Bergami had been in her bed-room or not. Her Royal Highness went to court at Palermo. Bergami went with her. I do not know whether they went in the same carriage. I remember our arrival at Messina. We took up our residence in the neighbourhood. The Countess of Oldi's room was next to that of the Princess, and next to the Countess of Oldi's was that of Bergami's. There was a door in the Countess of Oldi's room communicating with that of Bergami's. My room was beyond that. I had to pass through Bergami's room and that of the Countess of Oldi's to the Princess's. Sometimes on these occasions I have found Bergami in bed. Sometimes the Princess called me in the morning. She came from the room next to Bergami's. The room that opened into mine. Sometimes Bergami opened the door, and sometimes the Princess. On these occasions she wore the cloak before described. She had only her night clothes on underneath. When Bergami and the Princess parted, she often

called him "my heart," (*mon cœur*) and sometimes she said, "adieu, my dear friend!" I heard them embrace, but I did not see it; I heard them kiss each other behind me. I went on board the *Clorinde* from Messina to Syracuse. Bergami, on board the *Clorinde*, wore a blue great coat. I recollect once seeing him in the Princess's cabin on board that ship. The Princess was in bed. It was day time, and she had laid down. Bergami was in another bed close by. I saw them so for half an hour. He was lying in the bed near the Princess. At Syracuse, the Princess resided a little beside the port. The Countess of Oldi slept with me in that house, in the same room which communicated with the dining room. There was another bed-room at the same side of the dining-room. This was occupied by the Princess's gentlemen. The Princess's bed-room was at the other side of the dining-room. There was a communication from her room to a small staircase. Bergami slept near the small staircase. There was a door from the Princess's bed-room. This door I heard her several times lock after she entered her room. I do not remember any accident which happened to the Princess's bed at Syracuse, or to her bedstead. From Syracuse, her Royal Highness went to Catania. Her Royal Highness resided in the town. At first the Princess's bed-room communicated with the saloon: my room adjoined it, and next to mine was the Countess of Oldi's. There was a communication between my room and the Princess's, and the Countess of Oldi's. Bergami slept on the other side of a little yard, near the entrance of the house. There was a door from the saloon into the yard. Bergami slept in that room for some days. He was ill at that time, and slept in the Countess of Oldi's room. I slept in the room between the Countess's and the Princess's. The Princess, I recollect, once went to bed while I was at supper. I did not see Bergami then. When I went to bed, the door from my room to the Princess's was close shut; Bergami's door was shut likewise; in the morning, I saw the Princess come out of the room of the Countess of Oldi and pass through my room to enter her own bed room; this was at ten o'clock in the morning; she had in her hand at that time the cushion or pillow on which she

usually slept; she was not dressed; she was dressed as she was in the night, after I had undressed her; I left her every night with a little white night gown on; when I saw her in the morning with the pillow, she had such a dress on; sometimes at night she had a small silk mantle, or cloak of silk; she had that silk cloak on in addition to her night gown; Bergami slept that night in the Countess of Oldi's room in a small bed which had been put into the Princess's room; little Victorine slept in the room of the Princess; I heard her cry there; while Bergami slept in the Countess's room, the Countess slept in a small bed which was placed for her in the Princess's room. Bergami had been sleeping three or four nights in the Countess's room previous to my seeing the Princess come from thence with her pillow. I heard some person open my door in the night while Bergami was sleeping in that room. When her Royal Highness came out of the room with the pillow she saw me. She did not speak. She looked at me earnestly, and went on to her room. I had not been in the habit of waiting in that room so late as then; I usually went to breakfast at ten. On the night when I heard Victorine crying, I heard her calling "Mamma," and the Countess of Oldi endeavouring to soothe her. I was up when the Princess came through my room. I think my sister was also in the room. She was likewise up. When her Royal Highness saw me in the morning, she usually said, "Good morning." On this occasion she said nothing at all to me. While her Royal Highness was at Catania, she had her picture taken. I do not know the name of the artist. It was at Augusta, not at Catania, she was painted. She was painted as a Turkish woman, likewise as a Penitent Magdalen. There was a portrait of Bergami taken at Naples. He was represented in his common dress. Bergami shewed it to me. I have seen another portrait of Bergami, which he also shewed me; it was in the dress of a Turk. I saw a portrait of her Royal Highness in the possession of the Countess of Oldi. There was another picture of Bergami painted in Sicily. I saw one of them once in a little box belonging to her Royal Highness. It was that in the Turkish dress. I was present when the Princess arranged part of Bergami's dress for this por-

trait. Her Royal Highness prepared the turban of Bergami. At Catania Bergami was made knight of Malta. At Augusta, he was made Baron Bergami. We continued at Augusta about a month. The bed rooms of Bergami and the Princess here were separated by a small passage, a little room which nobody occupied. While at Augusta I attended her Royal Highness to undress. After I had retired from her room, and gone into my own room, I have heard persons whispering in the room of Bergami. Beside making the turban for Bergami when he was about to be painted, her Royal Highness arranged the neck of his shirt with her hand thus (witness putting her hand to her neck,) she opened it. The Princess on that occasion said, she liked him or it better so. I went on board the *polacca*, the *Industria*, at Augusta. The first day or two Bergami slept in a cabin, near a smaller cabin. His sleeping place was afterwards changed. He slept then in the dining-room. Two doors led into the cabin. After Bergami slept in that room one was closed. Bergami slept in the dining-room as far as I recollect; her Royal Highness slept in a cabin near to where Bergami's bed was; the Countess of Oldi slept in a bed on the other side. Her room communicated with the dining-room; there were only three sleeping-rooms there; the door of the dining-room was closed at night; I have gone into the dining room when Bergami was in bed; I saw the Princess in bed at the same time; the door of the Princess's cabin into the dining-room was sometimes shut and sometimes open; I have seen the door open when the Princess and Bergami have been in bed. I saw them twice speaking together. I landed with the Princess at Tunis. She first lodged with the British consul, and afterwards in a palace belonging to the Dey. The bed-chambers of the Princess and Bergami were separated by a room, which was not occupied, and a small passage; the Countess of Oldi, my sister, and myself, slept near to this room; the room in which we slept opened into the room in which nobody slept. One morning at Tunis I went into the Princess's room; and saw Bergami there before the Princess was up. Her Royal Highness spoke to me, and I retired. I saw the bed of the Princess, particularly one morning while we were at Tunis;

it seemed much in disorder, it appeared to me that two persons had slept in it, I cannot say exactly; but I thought so from its appearing in disorder. I went with the Princess to St. Jean d'Acre and to Jerusalem. At Jerusalem her Royal Highness resided in a house belonging to a convent. The bed-rooms of her Royal Highness, the Countess of Oldi, and Bergami, opened into the same gallery. I remember seeing Bergami in the bed-room of her Royal Highness, at Jerusalem. He entered the room and threw himself on the bed, in a ludicrous jesting manner. He did not long remain on the bed. I have seen the Princess and Bergami talking together in the gallery I have described. Her Royal Highness was dressed in a morning cloak. She had under that the same dress that she had when she went to lay down. I have told you that Bergami slept in the dining-room on board the vessel, and that her Royal Highness slept in the cabin till we arrived at Jaffa. Her Royal Highness afterwards slept on the deck. There was a tent there. In the tent there were two beds. Her Royal Highness slept in one of those beds. I did not assist in undressing her. I do not know who did. Bergami slept in the other bed. That continued during the whole voyage from Italy. I recollect her Royal Highness bathing on board. Bergami attended her. Bergami afterwards came up upon deck to call me to go and dress her Royal Highness. At the time Bergami so came to call me he had been with the Princess nearly three quarters of an hour. I saw Theodore take water to prepare the bath: he stood at the door with a pail of water in his hand. I have seen her Royal Highness and Bergami together under the tent, in the day time, often. Her Royal Highness often worked for little *Victorias* on board. I do not recollect that she ever worked for any other person.

[Here the witness was permitted to withdraw. She was handed out of the house by Mr. Maule, the solicitor to the Treasury, amidst a good deal of laughter. On her return her examination was resumed.]

When I went down, in consequence of being desired to dress her Royal Highness, I found her standing in her own cabin. She had on a *robe-de-chambre*. I assisted in dressing her. I have been asked how the Princess ap-

played herself, and stated that she was working for the little Victorine. Bergami employed himself almost the whole day lying down on the bed—on the little bed that was placed under the tent after our return from Jaffa. When I saw him first in the morning he had a kind of Greek gown on, with wide sleeves. I have seen him play tricks to amuse her Royal Highness. Once I saw him take the cushions, and put them under his gown and walk about the deck. He put them in front. Her Royal Highness laughed. I recollect the Countess Oldi made some shirts for Bergami. The Princess said she would make these shirts herself. Bergami smiled. When we went to Jerusalem, the order of the Holy Sepulchre was conferred on Bergami. A new order of St. Caroline was instituted, of which he was made Grand Master. He afterwards wore the order. After we returned to the Villa d'Este, there was an alteration made in the bed-room of her Royal Highness. The communication with Bergami's room was made more easy by means of a new door. After our return to Villa d'Este too, a new table was formed. The mother of Bergami, his sister, Faustina, his brother Lewis, and one of his cousins, dined at that table. I do not recollect the name of the cousins. He was accountant of the household. Lewis Bergami was made Prefect of the palace. Bergami's mother, who had been called "Nonna," was now called "Donna Livia." I remember the theatre at the Villa d'Este. I have seen Lewis Bergami act there. He danced, dressed like Harlequin, and her Royal Highness danced as Colombine. (Loud laughter.) I observed the ear-rings which Bergami wore when he first came to the Princess. These ear-rings afterwards saw worn by the Princess. I observed the ear-rings worn by Victorine. They were changed at the Villa d'Este. I saw them afterwards in the ears of her Royal Highness at the same time with those of Bergami. I have observed presents given by her Royal Highness to Bergami. Sometimes gold. I cannot well describe them. I observed the cap worn by Bergami when he was courier. I afterwards saw the same form of cap worn by her Royal Highness; it was of red silk, and was made at Naples. I remember a black silk cravat of Ber-

gami's; he generally wore it in the morning; I have seen that cravat repeatedly in her Royal Highness's bed-room; I have also seen Bergami's white slippers in the same room. I remember the residence of Count Pino; we visited there before we went to Greece; I slept near the Princess; when I lay down, I saw Bergami pass through my room; he went towards the room of her Royal Highness; I did not see him come out; I fell asleep; this was three weeks before the voyage to Greece. I know La Barona; it belongs to Bergami; it consists of a house and estate, the house is called Villa Bergami; there was also a farmer's house on the estate. The witness then described the proximity of Bergami's bed-room to that of the Princess while at the Barona. We were two months at the Barona; during that time the Princess went to Germany. The Princess is addressing Bergami, sometimes said, "Tu," thou; and Bergami simply said, "Princess," to her. The servants addressed the Princess as, your Royal Highness. I remember some balls being given at the Barona. They were attended by people of low condition; I have heard Bergami and her Royal Highness talk of those balls; I have myself made observations on the conduct of persons at those balls, but nothing particular in the presence of her Royal Highness. I remember Bergami once saying something on the subject to her Royal Highness; he related a story of what happened in the house; it related to some persons who had been to the ball; the story was too indecent; I dare not repeat it; it was told by Bergami to the Princess in my presence.

THE SOLICITOR-GENERAL.—Without particularly mentioning the story, can you tell us generally what it was?—I have told you that I cannot repeat it.

LORD ERSKINE made some observation which we could not hear.

THE SOLICITOR-GENERAL.—Where is the Attorney-General?

THE LORD-CHANCELLOR.—If the witness cannot state more, the whole of this part of her evidence must be struck out.

Several PEERS.—"Strike it out."—(A few cries of "No.")

THE SOLICITOR-GENERAL.—It must be struck out, or all must be stated; there is no doubt of that. (The

Attorney-General now came into his place.) Tell us what the story was?—It was a fulsome story, relating to a gentleman and one of the young women.

What did Bergami tell of what passed between this person and the young woman?—He said all that had passed upon the bed.

The LORD-CHANCELLOR remarked, in an audible tone, that something more must be given in evidence, or they could not receive this.

Lord ERSKINE made a few observations on the very objectionable character of this evidence, (hear, hear!) and said, that whatever might be done here, such statements with which the Princess was not connected would at once be rejected in all other courts. (We regret that we could not hear distinctly the purport of his lordship's objections to the evidence.)

The SOLICITOR-GENERAL resumed. What Bergami said was what passed on the bed between the person mentioned and the young woman?—Bergami related all that passed.

The House generally seemed much dissatisfied with this evidence.

The SOLICITOR-GENERAL.—So far as I am concerned, I have no objection to have the whole struck out (Hear, hear.)

The LORD-CHANCELLOR.—Consider it struck out, and go on.

Mr. BROUGHAM.—I have no curiosity to hear the story; I had just as lieve get it out as not; but I have no wish to press on the modesty of this witness.

There was a general cry of "Strike it out;" some voices to our left cried "No."

The Earl of LAUDERDALE suggested the propriety of receiving this evidence in writing. (Cries of "No, no," "Strike it out.") It was struck out accordingly.

The examination then went on:—While at the Bórrorneo we went to Turin; we remained there some days; we went to Venice twice; once before the voyage to Greece, and the second time before we went to Germany; at first we went to the Grand Bretagne, and then moved to an adjoining house; as far as I recollect, on this occasion Dr. Holland and Mr. Burrell remained at the inn: from Venice we went through the Tyrol to Germany; Bergami, on the journey, went from Scha-

nitz to Inspruck for passports; he went in the morning; we went to bed that night at ten o'clock; I slept in the room of the Princess; Bergami returned from Inspruck that night; I do not recollect precisely how long after I went to bed, because I had fallen asleep; I lay in a small bed on the floor; After Bergami arrived, her Royal Highness told me I might take up my bed, and go. Bergami came in at the same time the orders were given; I left the room at that instant. I cannot exactly say whether Bergami was in the room, but I believe he was. I remember going to Carlsruhe. The Princess's bed and that of Bergami were separated by a dining-room. I don't know whether it was my sister or some other person who made the Princess's bed. I saw a woman belonging to the house make Bergami's bed. Whilst at Carlsruhe we went to the Baden baths. Her Royal Highness slept there. I do not remember the situation of the beds; I remember going to her Royal Highness's room and seeing a sofa there. When I went in I saw the Princess. Bergami was there also. It was not very late, but twilight. The Princess was sitting, and Bergami was sitting beside her. His arm was passed round her waist, and her head was resting on his arm. From Baden we went to Vienna. We remained there three or four days. Her Royal Highness did not go to court. From Vienna we went to Trieste in a small, very low open carriage. Bergami travelled in the carriage with the Princess. They arrived at Trieste before the rest of the suite. From Trieste we went to Milan and the Barona. After our return, Bergami dined with her Royal Highness. Louis Bergami did so also as far as I can recollect. We went from the Barona to Rome. When we got to Rome we resided at the Royal Oak Inn. We afterwards went to a house in the Ronconelli. The bed-rooms of the Princess and Bergami communicated with each other. I saw Bergami once in his bed-room: he was confined by indisposition. His illness lasted a few days. During that time I have seen her Royal Highness go into his room more than once. From Ronconelli we went to the Villa Grande. I travelled in the same carriage with her Royal Highness. Bergami was with us also. He was seated between us. I recollect nothing particular that

named with regard to his hand. At the Villa Grande I recollect a bust taken of her Royal Highness and also of Bergami. I recollect seeing Bergami in her Royal Highness's room when she was performing her toilette. We remained at the Villa Grandetwo months. We then went to Sineaglia, to the Villa Caprini. We remained there two months. There was a communication between Bergami's room and that of her Royal Highness. There was a small cabinet between, in which there was a sofa. I have seen Bergami on that sofa when the Princess was there; he was lying down. Her Royal Highness was sitting on the edge of the sofa. I have seen her Royal Highness in pantaloons at Pesaro. Bergami was present, and said, "O, how pretty you are; I like you better so."

At this time her Royal Highness's neck was uncovered; she was at her toilette. I remember Bergami going from Villa Caprini to Pesaro: when he parted from the Princess, they took each other by the hand, and the Princess said, "Adieu, mon cœur! Adieu, mon cher amie!" and Bergami said, "Adieu, au revoir!" I have seen a money chest at Pesaro, and the key in Bergami's possession; when her Royal Highness resided at Naples, prayers were said in her house every Sunday; this was not the case at Villa d'Este, or the Barona; nor until we were at Genoa; and never after we quitted Genoa; I have seen her Royal Highness go to church at Genoa; I saw her once fall on her knees beside Bergami; she once told me she intended to have masses said for the soul of Bergami's father (laughter.) Her Royal Highness told me that it had been put to the vote whether she should be admitted to the casino at Milan, and that it had been negatived; the witness then described that after the morning the Princess went to the opera at Naples, she dressed her in the morning; after she was dressed, she went into the cabinet next Bergami's room, and remained there, the door being shut, nearly an hour and a half.

The SOLICITOR-GENERAL said, these were all the questions he had to ask the witness.

The Earl of LIVERPOOL hoped the counsel at the bar, considering the great length of the examination, would have no objection to postpone the cross-examination till to-morrow. This

should be absolutely necessary, from the state in which the witness must be as well as the interpreter, and even their lordships, after so long and unremitted an examination.

Mr. BROUGHAM was, about to speak, but was stopped by loud cries of "Order, order."

THE LORD - CHANCELLOR thought that the Queen's Attorney-General would not object to such a course; as he had complained on a former occasion of the great grievance of a cross-examination being interrupted. If the suggestion of his noble friend were not adopted, that grievance would unavoidably occur again in this instance; for it was clear, that if the cross-examination were begun, it could not be finished to-day.

Mr. BROUGHAM said, he should certainly prefer the adjournment of the cross-examination till to-morrow: because, though that was a highly inconvenient course, he thought it would be still more dangerous to break off in the middle of the cross-examination.

The House then adjourned at twenty minutes before four o'clock.

FRIDAY, September 1st.

The House assembled as usual at ten o'clock, when the names were called over. Counsel being called in, the further proceedings were resumed.

CROSS-EXAMINATION.

LOUISA DUMONT cross-examined by Mr. JOHN WILLIAMS.

I have been in England about 13 months. I have not been out of this country during that time. I do not understand English; I understand it a little, but I cannot speak it with ease. I have had some lessons in English. I have taken lessons in it four or five months. I have spoken English sometimes. I can understand it better than I speak it, because I cannot speak it to make myself understood easy. I did not understand all the questions put to me yesterday in English, but I understood one put to me by the Solicitor-General. I understood some of those questions which were shorter than the longer ones. I have not always gone by the same name in England. I took the name of the place where I was born, Colombie. I never took the title of the Countess Colombie.

I was once called by that name by one person only. At that time I was living in Frith-street, Soho-square. Before that time I lived in Oxford-street; there I lived three months, but I can't recollect precisely how long. I don't remember any person calling me Countess there, but I will not swear to it. Mr. Cross placed me in that house, but I don't recollect by what title he announced me. I will not swear that I passed by the title of Countess in that house: I don't recollect that I did. I have been called by the name of Colombie since I arrived in England in October. I cannot swear that I did not pass by the name of Countess Colombie in Oxford-street; but I don't recollect. I never was called by the title of Countess, except that once in Frith-street. I accompanied the Princess to Naples. The second night after the arrival of the Princess at Naples she told me she was going to the Opera. In the place where we slept there were two beds, a larger and a smaller one, which was a travelling bed. In the morning after the Princess had been at the Opera, I perceived the larger bed had the appearance of two persons having slept in it. When I was asked questions yesterday about the appearance of the bed, I understood them to apply to the condition of the bed, whether it was not deranged. I did not understand them to apply to the particular appearances; but I can explain them now. At Naples Jeronimus slept in a room, the door of which looked into the same corridor, into which the room door where the Princess slept looked. I don't know where Sir William Gell's and Mr. K. Craven's servants slept. I saw them in the day time; but where they slept I know not. Each of those gentlemen had one man servant. I do not know upon my oath where those servants slept on any one night at Naples. I won't swear it, but I don't at all recollect at this moment. I slept myself in a little apartment above her Royal Highness every night. I will swear that. Always alone. Every night, and the whole of the night I slept in my room alone. I was understood aright to have said, that one night I saw Bergami come out of his room at Naples undressed. I don't recollect exactly how soon that was after we arrived at Naples. I have no memory of the time when it was. I was not twice with the Princess at

Naples. When I saw Bergami coming out of the Princess's room, I was standing on one side at the door which came from the Princess's room. Bergami's door was nearly at the other end of the corridor. There was not a staircase between the Princess's room door and Bergami's; but there was a door of a little cabinet, which door led to a staircase, which led to my apartment. On that occasion, Bergami had a candle in his hand. I had none, because I was on the point of going, having been speaking to her Royal Highness, and was then waiting for her permission to withdraw to my own room. I did not escape through the apartment of her Royal Highness, but through the passage which went between the Princess's and Bergami's apartment. In doing so, I had not occasion to go towards Bergami, but certainly I went nearest to him in making my escape. I can't say that Bergami was coming towards me, because I went away precipitately. He came in a direction towards me. The King of Naples had lent a palace to the Princess on that night, that she acted the part of the Genius of History. The King and Queen of Naples were not both there. I saw the King in the room. The Queen was not there, because she was indisposed. I saw several ladies of the Neapolitan court in the room, but I don't know whence they came. I saw there were several Neapolitan ladies and gentlemen. I don't know that two other ladies acted in the same play with her Royal Highness, for I did not see the piece performed. There were several costumes, but I don't recollect further. I saw no lady dressed up as Victory. Those costumes appeared on the same occasion that the Queen performed the Genius of History. I don't recollect one of them in the character of Fame. I have no doubt that the Princess was going to appear before the Neapolitan ladies and gentlemen to whom I have alluded. I did not go down into the room, and can't say that other persons were dressed in the Turkish habit, as well as the Princess. I did not see Jeronimus, Sicard, or any of the Princess's suite, until towards morning, when I went into the ball room. I can't say that before the ball began, I saw some of the Princess's suite dressed in the Turkish costume. In the journey by land to Jerusalem the Princess

travelled on horseback, or on an ass, as far as I recollect. I travelled in a palanquin with the Countess of Oldi, after the Princess. We were sometimes before, and sometimes after her. During that journey I did not wait on the Countess of Oldi, but I continued with her in the same palanquin. My sister attended on the Princess during that journey; she was always on horseback near her. When we stopped, I myself was sometimes near her Royal Highness; and upon that journey I waited upon her Royal Highness; so did my sister. During that journey the Princess travelled by night and rested during the day. We stopped at Ann. I was under the tent with the Princess there, but I don't recollect whether I undressed her or not. I don't know that the Princess was undressed, but she pulled off her upper habiliments; those in which she was travelling; a robe in which she travelled. I don't recollect that it was any thing more than the exterior dress that she took off, and in which she travelled. Her dress was in no other way altered than taking off the exterior habiliment that I recollect. When that dress was taken off the Princess did not put on a night dress to repose on the sofa, that I know of. When I saw her she was in her white petticoat, and I don't know what she put on afterwards. The Princess was on the road during that journey a second night, when I saw her in the evening, and then she was in that white petticoat that I have already mentioned. When the Princess was about to start again, she had nothing more to put on than the exterior habiliment I have described. We went on from Tunis in the same vessel we had come. There were about 23 people altogether on board, of which 10 or 12 were in the suite of the Princess. We took on board a Jewish Harper at Tunis. The extremity of the vessel was occupied by the Princess and the Countess of Oldi; each had a cabin to herself. I occupied a cabin which opened into a passage leading to the stateroom. Jeronymous slept in another cabin in the same direction as mine. I don't know where the crew slept on the voyage, nor do I know where the harper slept, but I think it was near the room where we dined. That was at the other end of the vessel. I slept in my own berth every night during the voyage, except when

her Royal Highness slept on the deck, then I slept in her Royal Highness's cabin, and the other nights I slept in my own berth. I don't know that the harper slept in the place I have mentioned every night. I have heard so. I don't know of my own knowledge where he slept any one night, nor any part of any night. When at Charnitz, Bergami went to procure a passport, as I was told. It was in the spring season, as far as I recollect. There was a great deal of snow on the ground. It was a small inn where we were stopping. I was in a small bed in the room of the Princess. I had not taken off my clothes entirely. I believe I took off no more than my gown. I don't recollect how the Princess was dressed. She was in bed. The Princess at that time wore a blue riding-habit close up to her neck, with a great deal of fur about it. She also had a cap when travelling. During the day preceding the Princess went upon the bed with that dress on. I don't recollect seeing the Princess taking that dress off at all during the time she was at that inn; and I was in the same room with her upon a bed. We left the inn early in the morning. I entered the service of the Princess in 1814, and remained in it until 1817; until the month of November in the latter year. I was discharged from the Princess's service, and did not quit it of my own accord. I was discharged for having said something which I afterwards admitted to be false; in fact it was not true. Before I came to England I did not enter any other service. My money did not fail me before I came to England. I mean to say that I was not short of money before I came to England, because I had money in Switzerland which I might have got, had I wanted it. I never said to any one that I was short of money, that I recollect. I have money in Switzerland, and I live upon the interest of it. I don't recollect ever representing to any body that I had saved money in the Princess's service. I won't swear that I did not, but I don't recollect. I was applied to by some person after I left the Princess, but not very soon. It was more than six months. I think I had been out of her service about a year; very near it. I was applied to, to know what I had to say respecting the Princess. I mean to represent, that an application was

not made to me much earlier than a year after I left the Princess. No application was made to me earlier than a year afterwards. I swear positively; neither by letter, or personal application, or in any other manner. As I know what it is about, may I be allowed to explain the answer? About six months after I left the Princess I wrote a letter to my sister, saying that an application had been made to me; but that letter was a *double entendre* between her and me. I don't recollect having said that the Princess was surrounded with spies during the time she was in Italy. I don't recollect that I ever represented that to any body. I won't swear that in fact I did not, but I don't recollect that I did: I have rather a short memory. I cannot recollect what I said, if I did say so. I know Baron Ompteda. I have seen him, and spoke once with him at the Villa Villani. He was staying with the Princess. I had seen him but this once for some days; he had been on a visit for some days, two or three. I have seen him at three different places on a visit to the Princess. One visit was for three or four days; the others were not of the same duration; they were shorter, as far as I can recollect. On one of those occasions a complaint was made by the Princess of the conduct of the Baron. That was at the Villa Villani, I think. I remember the Princess making a complaint respecting the conduct of the Baron, but I don't know what it was about. I don't know whether it was about keys and locks; I took no share in the complaint myself. I don't remember writing a letter for Mr. Flannan; I recollect nothing about it; I don't remember writing a challenge for him to Baron Ompteda.

[A letter was shewn the witness, doubled down so as to shew her a line or two.]

"This is not exactly like my writing; I believe it to be not like mine; I do not recollect writing such a letter, nor do I think it is like my writing: I do not think it exactly like my hand-writing, nor do I recollect having written it. I can't decide whether it is exactly like my character; I can't say yes or no as to my belief, for I don't recollect having written it. It is not exactly like my writing. I cannot answer to a thing of which I am not sure. I can't positively say it is not my writ-

ing, but I do not think it is. During these questions, I have seen of this paper a line and a half. Before that, I don't recollect how much more I saw of it, perhaps two or three lines. I have seen the writing, but not to distinguish what it was. I was not near enough to the counsel to see what the character was. I have not half seen it. It was near enough to see it, because I have seen it; but I have only partly seen it. I did not complain of it not being handed nearer to me, because it was put into the Interpreter's hands. I now distinctly see the line and a half of the letter submitted to my view. Looking at it now, I can't say distinctly that it is my hand-writing. As to my belief, I can't say that it is my writing, because it is not exactly as I write.

[The letter was shewn the witness doubled lengthways, so as to shew one-half of every line.]

The House ordered the letter to be marked, on the motion of the LORD-CHANCELLOR, in order that, should it be hereafter produced, it might be identified.

The cross-examination then proceeded.—It was in November, 1817, that I quitted the service of the Princess. At that time I knew all that I have stated to the House during my examination. Since then, I don't recollect that I have represented the character of the Princess to be of an excellent description. I never recollect having said, that I would lose half my life if she could read my heart. I may have said so, but I don't recollect that I have said so. I recollect to have written to my sister a letter, but I don't remember what I said. It was certainly in that sense.

Did you never write to your sister in these terms:—"Oh God! I would lose half my life if the Princess could read my heart; she would then be convinced of the infinite respect, the unbounded attachment, and the perfect affection I have always entertained for her august person?"—I may have used those expressions, because at that time I was much attached to her Royal Highness.

Do you recollect using these expressions—"Her rare talents; her charity; in short, all the perfections which she possesses in so eminent a degree?"—I do not recollect whether I have made use of those expressions; but I have

written to my sister, and I have spoken of the manner in which the Princess has conducted herself towards me.

Have you never used the very expressions which have been interpreted to you?—I do not recollect exactly whether I have used the same expressions, but I have written in the same sense.

Then you will not swear that you have not used those very expressions?—I will not swear that I have used them, but I will not swear that I have not used them.

But you have used words in the same sense?—Yes.

Do you remember using these expressions—"How often have I seen my hearers affected, and heard them exclaim—'The world is unjust to give so much unhappiness to one who deserves it so little, and one who is so worthy of being happy!'"—I do not recollect whether I used those expressions. I do not remember the expressions.

Have you not written to that effect?—I have written to my sister several times to that effect, and in that sense.

Will you swear that you have not used those very words?—I cannot recollect whether I have.

You will not swear that you have not?—I will not swear that I have made use of them or not.

But you have used expressions in that sense?—Yes.

I believe you kept a general journal whilst you were with the Princess?—Yes.

Do you remember writing to your sister thus:—"You can't think, Madame, what a noise my little journal has made?"—I wrote several times to my sister, but I cannot recollect what.

Have you not on any occasion used the words that I have put to you, or to that effect?—I cannot recollect.

Will you swear that you have not?—I will not swear that I have not.

Do you recollect using these expressions—"It has been, if I may use the expression, snatched at?"—I tell you, I cannot recollect what I have written to my sister—exactly the expressions.

Have you used these expressions—"Every one has read it, and Madame Colize begged me to carry it to Laurence; for the English who were there wanted to see it immediately."—Do

you remember using these expressions to your sister?—I tell you it is impossible to recollect what I have written.

Do you not remember writing to that effect?—Yes; I cannot swear to that of which I am not perfectly sure.

Do you know Madame Colize?—Yes.

Did you not shew the journal to Madame Colize?—She had seen it, but I don't recollect whether it was before or after my return.

Did you not use these expressions—"I have been delighted at it, for you know I see in it a great deal of the best and most amiable of Princesses in the world. I may say in detail, her sensibility,—the courtesy which she has shewn,—the manner in which she has been received, applauded, cherished, in all the places we have visited."—Do you remember writing to that effect to your sister?—I recollect that I have written very often to my sister on the subject of her Royal Highness, and to this effect; but I do not recollect that it was in that sense you spoke last.

Have you any doubt that you wrote to that effect, or will you swear you did not?—I will not swear that I have not done it, because I do not recollect.

"You know where the Princess is my subject, I am not barren: consequently my journal is embellished with the effusion of my heart; my greatest desire having always been, that the Princess should appear to be what she really is, and that full justice should be done to her." Do you remember writing to that effect?—I have written to that effect to my sister. I was much attached to the Princess at that time. I wrote a great deal about her, but I don't recollect the expressions.

Will you swear you did not use those expressions?—I will not swear, because I am not sure of it.

Will you swear that you did not use those words?—I will not swear, because I am not sure.

Have you any doubt that you did use them?—I don't recollect whether I made use of them.

You have talked of *double entendre*, have you not represented that your money began to fall short?—I know nothing of that, but I never wanted money.

Have you not represented to your sister that you were getting short of money—that you were getting poor?—

I do not know whether I said it, but that never happened to me.

Have you never represented to your sister that she should economise as much as possible;—Yes.

And retrench every superfluity?—I did represent that she ought to economise, as she had no fortune at home.

Did you write to your sister—"Did you know the regret I feel at not having done so?"—I don't recollect whether I wrote so, but I never wanted money.

Did you write—"I do not think I was guilty of extravagance, but I have not deprived myself of many things which were almost useless?"—How do you wish me to recollect what I have written?

Did you ever write to your sister to this effect?—"I had almost forgot to confide to you a thing which will surprise you as much as it has done me. On the 24th of last month, I was taking some refreshment at my Aunt Clare's, when I was informed, that an unknown person desired to deliver to me a letter, and that he would not trust it to any one else. I went down stairs, and desired him to come up into my room. What was my astonishment, when I broke the seal, to find a proposal was made to me to set off for London, under pretence of being a governess. I was offered the kindest protection, and a brilliant fortune in a short time. The letter was without a signature; but to assure me of the truth, I was informed that I might draw upon a banker for as much money as I wished."

The ATTORNEY-GENERAL now interposed, and objected to any further examination as to the contents of this letter. The proper mode to pursue would be to put the letter into the witness's hand, to ask her if it was her writing, then to offer it in evidence; or if she denied that it was her writing, to tender evidence to contradict her. He submitted, that the letter itself was the best evidence of its own contents.

Mr. BROUGHAM and Mr. WILLIAMS argued very ably in support of the propriety of the course they were pursuing.

The ATTORNEY-GENERAL replied; and the subject, after some remarks from the Peers, was submitted to the Judges, who decided that the witness could not be cross-examined

to the contents of a letter which she admitted to be her writing. The letter itself could be the only proper evidence of its contents. There was a collateral question raised as to the right of the counsel to read such letters in the course of their cross-examination, and then to question the witness as to their contents. Upon this the Judges decided, that at the request of the counsel, letters might be read in the course of a cross-examination; but then they must be considered as part of the defence, and could not be read, except for the purpose of founding questions upon their contents.

These letters were then put into the witness's hand, which she admitted to be her writing.

Lord LIVERPOOL now suggested, that the letters should be read first in French, and then in English.

Mr. WILLIAMS begged, before the letters were read, to put some further questions to the witness. The answers of the witness amounted to this:—that she had been in England thirteen months; that she was never in England before. That she was examined at Milan on this business, in the presence of the Advocate Vilmarcati, and three others, of whom Colonel Brown and Mr. Powell were two. This was in the month of January last year, and that she had not been promised, nor did she expect any remuneration whatever for the evidence which she had given against the Princess, beyond her expenses.

The LORD-CHANCELLOR now suggested that the counsel might take till to-morrow to consider of the expediency of reading the letters to which allusion had been made, subject to the rule which the house had adopted, under the opinions of the judges.

The House adjourned at a quarter before five.

SATURDAY, September 2.

Previous to the resumption of proceedings, the LORD-CHANCELLOR, adverting to the arguments urged by counsel yesterday, on the part of the Queen, touching the letters imputed to Madame Dumont, called the attention of the House to what had passed in the Duchess of Kingston's case, on a like question, for the purpose of shewing that the case laid down by the

learned judges yesterday, was supported by that case, as reported in the State Trials and in the Lord's journals.

After a few words from Lord ERSKINE and Lord REDESDALE, in concurrence with the opinion delivered by the Judges as to the rule laid down upon the point in question, the case proceeded, without the production of the letters at present.

LOUISA DUMONT was again brought to the bar, and her cross-examination was resumed by Mr. J. WILLIAMS.

Where did you go when you quitted the service of the Princess?—I went to Switzerland.

To what house did you go there?—I have no father. I went to the house of my mother.

Has not your mother married again?—Yes.

How long did you remain with your father and mother after you went there?—About a year and a month.

To what place did you go from home afterwards?—I went to Milan.

It was, I suppose, to be examined, as you described yesterday?—Yes.

Where did you go from Milan?—I returned to Switzerland.

Home?—Yes.

How long did you remain at home on that occasion?—Nearly three months.

Where did you go to then?—To England.

Who desired you to go to Milan in order to be examined?—Mr. Sacchi, on the part of the commissioners.

Who is Mr. Sacchi?—An Italian gentleman.

What is he?—I don't know.

What is he besides a gentleman?—I don't know what he was; he was a soldier. I do not know what he is now; he was a soldier. I don't know what he is at present.

Did you know of his being an officer?—No.

Where did you know him before he came for you?—In the house of the Princess; with the Princess.

And he also had been in the service of the Princess?—Yes.

And when he came for you, I suppose he was no longer in the service?—No.

And at that time he was in the service of the Milan Commissioners?—I don't know in what service he was.

He was employed by them?—I know

he came to seek for me, but I don't know how he was employed otherwise.

In what year was it he went to fetch you from Switzerland?—A year ago last year.

Was it in 1818 or 1819?—He arrived in the month of December, 1818, and I left in January, 1819. He came for me a year ago, last year.

Then it was in the beginning of 1819?—Yes.

Up to that time you had been living with your father and mother?—Yes.

Then three months more with them, and then you set off for England?—Yes.

How long were you at Milan?—About two months.

What was given you for going to Milan, any thing or nothing?—They gave me nothing. They paid my journey and expences as before.

After that time, when you were three months at home, you maintained yourself upon your own means?—Yes.

And all the time from leaving the service of the Princess till going to Milan?—Yes.

And if I understood you right, up to this hour, you have received nothing, only your journey and expences?—Yes.

That is all?—Yes.

And you have supported yourself here also, I suppose; is that so?—No, they paid my expences here.

And that is all?—Yes.

Only your expences?—Yes.

If I understood you rightly yesterday, you had only been examined once at Milan?—I was examined only once at Milan, but I was several days staying at Milan.

Were they for several successive days, or different days?—Following days.

Then, in fact, you were examined once at Milan?—Yes.

Have you been examined since you came to England?—I have not been examined: I have been sworn once, but not examined, about two months ago.

By whom?—By a magistrate, whom I do not know.

Where was it; what magistrate?—I do not know the magistrate, but I was examined at the house of Mr. Powell.

You don't know the name of the magistrate?—No.

Were you sworn?—Yes.

Was it upon the subject of the evidence you have been giving in this place?—Yes.

There was an examination in writing; there was a paper produced?—I have seen my own paper.

Was it not there at the time?—Yes.

Was it the same paper that had been written upon at Milan?—I do not know whether it was the same paper.

Was it the deposition you signed?—I don't know.

Did you not sign the paper upon which you were sworn, at that or any other time?—I saw my deposition when I signed it, and had it before me when I was sworn.

Did you not hear the contents of it read then?—No; it was not then read.

Did not that paper contain your evidence?—Yes.

And to that were you not sworn by a magistrate at Mr. Powell's?—Yes.

Did he ever examine you except then when you were sworn?—No.

The SOLICITOR-GENERAL here said, his learned friend was assuming that Mr. Powell had examined witness.

Mr. WILLIAMS here pursued the cross-examination.

Have you seen Mr. Powell since you came to England?—I don't know how often.

Has he seen you a dozen times?—Yes, perhaps so.

Had you on those occasions any conversation about the evidence you were to give?—We said nothing about my evidence then, because I don't recollect.

When you was sworn was there a book you kissed?—Yes; I kissed a book as here.

Mr. BROUGHAM here begged pardon for interrupting their lordships, and said, that if this information were disclosed in a court of law, the court

would pronounce upon the inadmissibility of the evidence under such circumstances. The witness here admits that she was sworn out of doors to a deposition by an illegal oath, if their lordships would so think it. And she was afterwards in private sworn by the attorney in the case, so that in fact the witness came into court fettered and bound to a particular line of evidence. What had been done here was not only against the ordinary administration of justice, but he submitted, whether it was not directly against their lordships' privileges.

Mr. WILLIAMS followed on the same side, and enforced the same objection.

The LORD-CHANCELLOR was of opinion that, as the circumstances now stood, there was no force in the objection.

Then, with the exception to the deposition at Milan, and the swearing with Mr. Powell, you had no other examination?—No other.

The counsel for her Majesty here tendered the letters alluded to in the cross-examination of the last witness, two of which they begged might be now read.

The LORD-CHANCELLOR here desired that the two letters might be put in.

Mr. BROUGHAM said that they were in French, and that one Interpreter could read the translation, while the other held the original. This being agreed to, the Interpreter proceeded to read the original.

While it was reading in French, the witness requested that the names of private persons be omitted. She hoped they would not be unnecessarily exposed on her account.

Mr. BROUGHAM said he had no desire whatever that those names should be unnecessarily exposed.

*Translation of a Letter from Louisa Dumont to Mariette,
Dated 8th. February, 1818.*

* Dear and good Mariette—Although you have not said four words in your last letter, yet I love you too well not to pardon you for it, and it is with real pleasure that I reply to you. I hope, my dear sister, you are perfectly happy; but I ought not to doubt it, so well as I know the real goodness of her Royal Highness, and with all those you have any thing to do. Endeavour always to deserve such kindness, by continuing the same way of life which has procured it for you, that experience may not be useless to you. Keep always before your eyes the trouble which arises from rashness and inconsistency; you have lately had sufficient proofs of that.

"You will, no doubt, be very desirous of knowing what is my situation in our little country; I assure you, my dear, I have been received in such a manner as you would have no idea of. I have been every where sought after, and received with the greatest cordiality at Lausanne, at Morger, and at Cassonay. I passed a whole month at the last town, where every possible amusement was procured for me. You know how fond I was of sledge-riding; well, every day we made a party for it. At the beginning of the new year we had a delightful masked ball; last week two more, the best that have been seen in this town, and a number of other evening parties given by a friend of mine; in short, every day brought some new invitation. Conceive to yourself how, in the midst of all these numberless pleasures, I was sad and silent, every one quizzed me on my indifference: I, who used to be so gay before my departure. I was not insensible of my dullness; but, spite of all my endeavours, could not get the better of it.

"Can you not, my dear, divine the cause of all my sadness? Alas! was it not the regret of having quitted her Royal Highness, and of knowing that she suspected my character, and taxed me with ingratitude? Oh, God! I would surrender half my life, could she but read my heart, she would then be convinced of the infinite respect, the unlimited attachment, and the perfect affection I have always entertained for her august person.

"I should have wished, my dear Mariette, to have written to the Count, to thank him for the kindness he has shewn me, but I was afraid to trouble him; tell him, one line, if he would but have the goodness to write to me, would afford me a little tranquillity, since it would make me hope for pardon.

"I was afraid her Royal Highness would be displeased at the course I have taken in my journey. Judge then of my happiness when I learnt that she was not at all angry at it; but, on the contrary, gave me leave to take it. In truth, this pretence has been very useful to me; for you are sufficiently acquainted with the world to suspect that I have been assailed with questions, particularly by great folks, for I am not vain enough to suppose that I have been sought after only on account of my beautiful eyes, and that a little curiosity has had no part in the desire to see me. Ah! why was not her Royal Highness at my side? She would then have found if I were ungrateful.

"How often, in a numerous circle, have I, with enthusiasm, enumerated her great qualities, her rare talents, her mildness, her patience, her charity; in short, all the perfections which she possesses in so eminent a degree.—How often have I seen my hearers affected, and heard them exclaim, that the world is unjust to cause so much unhappiness to one who deserves it so little, and who is so worthy of being happy.

"You cannot think, Mariette, what a noise my little journal has made; it has been, if I may use the expression, snatched at. Every one has read it. begged me to let her carry it to Lausanne: all the English who were there wanted to see it immediately. I have been delighted at it, for you know I say in it a great deal of the best and most amiable Princess in the world. I relate in detail all the traits of sensibility and of generosity which she has shewn; the manner in which she has been received, applauded, cherished, in all the places we have visited.

"You know when the Princess is my subject, I am not barren; consequently my journal is embellished with the effusion of my heart, my greatest desire having always been that the Princess should appear to be what she really is, and that full justice should be rendered to her. I assure, that although distant, it is not less my desire, and that I shall endeavour with zeal, that such may be the case, and as far as my poor capacity will allow. You may judge I shall not make a merit of this, since she will be ignorant of it, and even suspects me of ingratitude; but it will be only to content my heart, which would find a sweet satisfaction in this charming success.

"But I had almost forgotten to confide to you a thing which will surprise you as much as it has me. The 24th of last month I was taking some refreshment at my aunt Clara's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went down stairs and desired him to come up into my room; judge of my astonishment when I broke the seal, a proposal was made to me to set off for London, under

the pretence of being a governess. I was promised high protection, and a brilliant fortune in a short time. The letter was without signature; but to assure me of the truth of it, I was informed I might draw on a banker for as much money as I wished. Can you conceive any thing so singular? Some lines escaped from the pen of the writer discovered to me the cheat, and I did not hesitate to reply in such terms as must have convinced him I was not quite a dupe. Notwithstanding all my efforts, I could draw no éclaircissement from the bearer: he acted with the greatest mystery.

"You see, my dear, with what promptitude the enemies of our generous benefactress always act. There must be spies continually about her; for no sooner had I left Pesaro, than it was known with all its circumstances, in the capital of Europe.—They thought to find in me a person revengeful and ambitious; but, thank God, I am exempt from both those failings, and money acquired at the expense of repose and duty will never tempt me, though I should be at the last extremity. The Almighty abandons no one, much less those who act agreeably to him. A good reputation is better than a golden girdle.

"Since I have introduced the subject of money, my dear sister, I must give you some advice. Economize as much as possible, retrench every superfluity: did you but know the pain I feel in not having done so! I do not think I ever was guilty of extravagance, but I have not deprived myself of many things which were almost useless. You know that every one here, as elsewhere, fancies the Princess of Wales throws her money out of the window, and supposes me possessed of a large fortune; from a species of self-love, and to prove still more her generosity, I do not try to deceive any one; consequently, though I have great need of money, I don't dare yet to ask my guardian for any. I know how to be moderate, and am at no expense. I have often reflected, that if I had always acted in the same way, I should not be in the situation in which I am.

"Every one should economize as much as possible; one can gain by no other means. Profit by the lesson I have just given you; be assured it will be salutary to you, for I speak from experience. M—— has not sent the packet; I wrote him at Milan and at Paris. I expect his answer one of these days. If it should be lost, it will be very disagreeable, as the cloth cost a great deal. If I had known it should not have been purchased, as my mother had a good spencer, and might very well have done without it. I regret the velvet very much, as I want it for my hat; besides we did not get that either for nothing; and three louis are well worth lamenting, without reckoning the other baubles. Money will not come by whistling for it. A sous here and a sous there soon make a livre, and twenty four livres make a Napoleon. You see I am become an adept in arithmetic. I will answer for it, however, that Mr. — will make all good, if he has lost any thing. I shall shew him no favour, and have written to him in such a manner as sufficiently shews I am not very well satisfied with his negligence.

"But, my dear Mariette, I perceive I have almost finished my letter without speaking of our dear parents. Our good mother is tolerably well, though her asthma, and complaint in her stomach torment her sometimes, but nothing compared to what she has suffered this summer; my father is very well; Henrietta is always charming. I give her every day lessons in writing and reading. She sews very well, and repassie as well; she has already worked several frills for me, and some gowns, with which I am very well satisfied. Her desire of travelling is the same; pray try to get her a situation, I am convinced she will give you no cause to regret it. She is much altered for the better; she is gay, and always in good humour, mild, obliging, in short, of a character to make herself beloved wherever she goes; for she has an excellent heart, and knows how to be contented in all situations. Margaret is entirely amiable, of a pretty figure, and so lively, that she makes one half dead with laughing. Louisa is very genteel; I assure you, dear Mariette, they are all changed very much for the better, and I am quite contented with them.

"I have this month past in my favourite chamber at Colombier, where some repairs have been done, for example, a good chimney, and a small cabinet, wherein I sleep. I make little excursions often in our environs; and frequently receive visits, which afford me amusement.

"I think I hear you say, 'Well, dear Louisa, what do you mean to do? Won't you marry? What does — do?' I will tell you word for word. I every day feel more and more repugnance to marriage. — has done all in his power to induce me to accept a heart, which, he says, he has preserved for me these seven years;—what heroical constancy, and little worthy of the age in which we live!! I shall not, however, be dazzled by it; and, although he be rich, charming, and amiable, I do not wish to retract the refusal I gave him four years ago.

"If this amuse you, I will tell you of several other lovers, not less desirable than he. I am very foolish, perhaps, to refuse them; for they are infinitely better than I am—perhaps I may one day repent it. You know the proverb, 'He that will not, &c.' But I cannot do otherwise. Recent events have created in me a sort of antipathy to men, I can have no connexion, no communication with any of them—I love and cherish sweet liberty alone, and wish to preserve it as long as I can.

"Dear Mariette, I conjure you, imitate my example, and never think of marrying. My mother and I forbid it, as long as her Royal Highness shall wish to keep you in her service. You can have no greater happiness. It is impossible! Beware of forming any attachment—you are too young—remain free. Be assured you will be a thousand times more happy.

"I do not recommend prudence to you, because I know you too well to distrust you; but although it may be said of me that I would die rather than abandon it for an instant, and deviate from the strict path of virtue, the most precious good we possess, yet I have known some persons suspect my conduct. But I have God and my own conscience for witnesses. Are they not sufficient for my peace? No one can deprive one of that. No, I have nothing to reproach myself with on that head, and you know therefore, I can give you such advice as you should follow, especially as it is also that of our mother.

"Dear sister, if you dare, place me at the feet of her Royal Highness, beseeching her to accept my humble respects; do not fail, I entreat you, when she speaks of me, to endeavour to convince her my repentance is still the same, that I conjure her to restore me to her favour. Tell me if her Royal Highness is still so enraged against me, and if there is not any appearance of a pardon; but tell me always the truth. Try also to persuade her Royal Highness that I am, and always shall be so entirely devoted to her, that no sacrifice I could make for her would appear too great, and that she may even dispose of my life, which shall for ever be consecrated to her service. Tell the Baron also that I am very sensible of his remembrance, and beg him to accept the assurance of my perfect acknowledgement. Embrace for me the charming Victorine; repeat also my thanks to the Count, and assure him I shall never forget his kindness. Remember me to the Countess, Madame Livia, and Mr. William, begging them to receive the assurance of my sincere friendship.

"If I were to tell you all those who send you salutations, I should want two more pages, for every one is interested for you, and they never cease to wish for your happiness. Believe, however, the most sincere wishes are made by us.

"You will tell Mr. Jeronymus that John is quite well, and that Mr. — is very well pleased with him in all respects. His board is not paid for; and tell Mr. Jeronymus, on the receipt of this letter, I beg he will immediately send an order to — for six months pay, and address it to me. He must not delay, for I have no money.

"You will not do wrong if you send me at the same time, the two Napoleons, to make up the 25 if you can. It is I who send you the gown; instead of lace you should trim it with muslin. Make my compliments to Mr. Jeronymus, and tell him the first time I will give him more particulars respecting his son, because I hope to have more room. I wish very much to know how ink is made with that powder which he gave me; and what he has done with the two pictures I sent him at the Villa d'Este.

"Adieu, dear and good sister. We embrace you cordially. A reply at once if you please.—Your sister.

"3d February, 1818.

"LOUISA DUMONT."

"A Mademoiselle Mademoiselle Mariette Bron, a Peasoo."

The following letter was then read in the same manner with the former :—

*Translation of a Letter from Mademoiselle Dumont to the Queen,
dated 16th of November, 1817.*

"It is on my knees that I write to my generous benefactress, beseeching her to pardon my boldness, but I cannot resist my feelings. Besides, I am convinced that if her Royal Highness knew the frightful state into which I am plunged, she would not be offended at my temerity. My spirits cannot support my misfortune; I am overwhelmed by it, and am more than persuaded I shall sink under it. I feel a dreadful weakness; a mortal inquietude consumes me internally, and I do not feel one moment of tranquillity. A crowd of reflections "on the past goodness of her Royal Highness," and "on my apparent ingratitude" overwhelm me. May her Royal Highness deign to take pity on me; may she deign to restore me to her precious favour, which I have unhappily lost by the most deadly imprudence; may I receive that soft assurance before I die of grief; she alone can restore me to life.

"I dare again to conjure, to supplicate, the clemency and compassion of her Royal Highness, that she will grant me the extreme favour of destroying those two fatal letters; to know that they are in the hands of her Royal Highness, and that they will constantly bear testimony against my past conduct, kills me. The aversion which I have merited on the part of her Royal Highness; instead of diminishing, would be increased by reading them.

"I permit myself to assure her Royal Highness, that it is only the granting of these two favours which can preserve my life, and restore to me that repose which I have lost. My fault, it is true, is very great and irreparable; but love is blind—how many faults has he not caused even the greatest men to commit?—I dare flatter myself this is a strong reason why her Royal Highness should condescend to grant me the two favours which I take the liberty of asking of her.

"I allow myself to recommend to the favour and protection of her Royal Highness my sister Mariette, and also her who is in Switzerland. Her Royal Highness gave me to understand that, perhaps, she might be allowed to supply my place. The hope of this alleviated my distress. It would be an act of charity, for my sisters have only moderate fortunes, and in our small poor country they are not to be acquired. I am certain her Royal Highness would have no cause to repent her great goodness and extreme kindness towards a young girl who has always gained the esteem and friendship of all to whom she has been personally known.

"I cannot sufficiently thank her Royal Highness and the Baron for their kindness in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable; I know not how to acknowledge so many benefits; but I will endeavour by my future conduct to merit them, and to regain the favourable opinion which her Royal Highness entertained for me during the days of my good fortune.

"It is with sentiments of the most entire submission, and the most perfect devotion, that I have the honour to be, her Royal Highness's most obedient servant,

"*Rimini, 16th November, 1817.*

"LOUISA DUMONT."

While the Interpreter was reading these letters, he accidentally mentioned two or three names stated in it, when he was instructed by the Lord Chancellor, that when he came to the name of any person, he was to stop and ascertain if the counsel would permit such name to be passed over in silence.

Some Peers observed, with reference to the names already mentioned, that though omitted in their lordships minutes, they might find their way into

greater publicity, through the means of the public press, the reporters of which were present, and doubtless heard the names as they were uttered.

It was then suggested, that the reporters should be directed to omit the private names.

The LORD-CHANCELLOR said he had no knowledge of the presence of such persons as were alluded to; but, that if any person answering that description had found their way be-

low the bar, and were, in breach of their lordships' privileges, to publish any occurrence that took place in that House, which their lordships had particularly signified their intention, ought not to be published, such persons would do so at their peril.

The letters being already read in French, a translation into English was put into the other Interpreter's hand to be read.

Earl GREY thought it necessary to suggest that time should be allowed the translator to verify the translation.

The LORD-CHANCELLOR ordered that both Interpreters should examine the letters together, and afterwards be prepared to verify the translation offered to their lordships.

Lord KENYON submitted whether it would not be well to afford time for the inspection of the letters. He certainly, though he understood French, could not catch the meaning of a great many sentences while it was reading.

The SOLICITOR-GENERAL said that both Interpreters should have an opportunity, by-and-bye, of comparing the originals and the translation, and verifying the documents.

The LORD-CHANCELLOR directed, that in the interim, the witness should be allowed a chair.

One Interpreter then proceeded to read over the translation, while the Interpreter for the crown held and perused the original.

After the perusal of the second letter Mr. WILLIAMS asked, Who is the counsel she alludes to in the first letter?—Sciapini.

Was he at that time in the service of the Princess?—Yes.

Ask her whether the journal of which she has spoken did not comprise the whole time during which she was in the service of the Princess?

The SOLICITOR-GENERAL objected to this question.

Mr. WILLIAMS contended for his right to put it; and, after the Judges had consulted for a few minutes, the LORD CHANCELLOR said, the Judges are of opinion it may be put. The question was repeated as above. —Answer, I do not recollect whether the whole time.

The greatest part of the time?—Yes.

Who is the Madame Olivier alluded to in that letter?—A Swiss lady residing at Lausanne, near the residence

of my father and mother; she is not a relation, but an acquaintance; she always said the letter she sent her sister was a *double entendre*.

Is it true, or is it not, that a person unknown, did desire to deliver you (*consigner*) a letter, to deliver it?—If I had permission, I'd explain every thing respecting that letter.

I ask you, is it true or not, that a person unknown, desired to deliver you a letter?—I have once received a letter without a signature.

Was that a letter delivered by an unknown person when you were at your Aunt Clara's?—I do not recollect, whether at my Aunt Clara's, but it was sent to me at Colombier.

Did an unknown person deliver you the letter there or elsewhere?—I don't remember when it was given me.

I don't ask you that, but I ask you did any unknown person deliver you a letter?—I recollect I received a letter at Colombier, but I don't know who delivered it.

Are you now speaking of that letter referred to in the letter just read?—It was a letter without a signature, but it did not contain what I (the Interpreter) have said.

Then it is true you received a letter at your aunt Clara's, saying that you should go to London?—I do not recollect if I received it at my aunt Clara's.

Did you receive such a letter at all?—I received a letter like that, but it had not the contents exactly of what I (the Interpreter) read.

Did that letter contain any proposal to go to London?—I wish to explain that letter.

Answer this, and you can explain as you please after. Did you not receive a letter from an unknown person, saying you should go to London?—I received a letter, which said to me, if I'd go to London I should be placed as a governess, if I were provided with letters of recommendation.

Have you any thing to add to that?—Yes, I wish you'd have the goodness to let me say why I wrote that letter. I wish to go back to the time when I was dismissed from her Royal Highness's service. In the evening I was dismissed from her Royal Highness, I was to start on the following morning, and M. Bergami came into my room and said—

Mr. WILLIAMS.—Any conversat-

tion with Bergami, in the absence of the Princess, cannot be received.

The SOLICITOR-GENERAL, for the purpose of explanation, thought it might.

The LORD-CHANCELLOR thought it might.

Witness proceeded:—M. Bergami said her Royal Highness wished to dismiss my sister on my account. I said, I was sorry for that, as my sister having no fortune, could not live at home. I begged of M. Bergami to speak to the Princess in order to keep my sister: he promised to do so, and at the same time advised me to write a letter to her Royal Highness, because she was much offended against me, to recommend my sister, and ask her pardon. I wrote a letter at Pesaro, and the following morning I parted. At the same time, my sister recommended to me to write nothing that could prejudice or hurt her. I promised, on the contrary, I would do every thing that could make her keep her place. I wrote also from Rimini and to my sister at several other times. I always spoke much in favour of her Royal Highness, because I knew they'd be intercepted. At the same time that I wrote to my sister that letter, I formed the idea of quitting Switzerland and coming over here to England. At the same time I received information to set off. I was told I could be placed out as governess, if I had letters of recommendation. At the same time, being afraid her Royal Highness would dismiss my sister, I wrote to my sister, and dared not write freely for fear it would be seen. I said to my sister, what was read was only to let her know, if she was dismissed there, I would find means of placing her here, and pay her journey. If I wrote again to her, she feared the Princess would read the letter, and I wished to convince her Royal Highness I would say nothing against her, even in England. In several private conversations, although many questions were put to me, I avoided saying what took place at the house. These are my reasons for writing that letter to my sister.

Mr. WILLIAMS.—Ask her if she has given a full explanation?—I have said so to my sister to pay the journey. The reference to the banker is to say, that I wish to take the money now with my guardian, and place it here. They told me the interest would be double.

If I had some of it here for myself or my sister, I could make use of it.

Ask her if she has any more last words—any further explanation?—No further.

Don't let her be in a hurry; let her take her time; now, any further explanation to give?—(After a pause) I wish by that to convince the Princess, though I shall have questions put to me, money would not tempt me.

Now, have you any other explanation?—I am to say also that I felt a great degree of attachment to her Royal Highness, for her great kindness to me while in her house.

Any more?—I can't remember entirely all. I saw the letter last night; I saw two letters; only saw the date of that from Colombier. I made no observation on the other.

When you went from this place last night (I don't ask you the names, but) who accompanied you?—A lady; one of my friends.

Do you mean to represent that nobody else saw you, since you were examined here last night?—I have seen the people of the house and the friend who accompanied me; I don't know the name.

Did you delay near this place, where we are, before you went home last night?—I went directly home.

Directly; did you not stay somewhere or other before you went to the place you reside in?—In going out hence I went direct home, without waiting—

The LORD-CHANCELLOR.—That's not an answer; put it before she began to go?

Mr. WILLIAMS.—I am not asking her whether she went straight home, but I am asking her, if she did not stay somewhere before she began to go home?—I remained a minute in a room above here.

A minute—how long?—I don't recollect exactly.

Do you mean to represent you did not stop half an hour in the room above stairs?—I will not swear I may not have remained there half an hour.

But you swear you did not remain an hour?—I can't swear as to the time I remained there.

What did you mean to say just now, when you said you did not remain there more than a minute?—I meant I did not remain there long.

Now, in order to have some notion

of that, will you swear you did not remain there two hours?—I can't swear as to what time.

Do you mean to represent that nobody saw you but the person who accompanied you home?—I saw the lady who accompanied me home, and the gentleman who came to fetch me.

Does she mean to represent she has not been thinking of this letter since she was examined in the afternoon of yesterday?—I have not passed my time in speaking of it; I have been reflecting.

Do you mean to say you have not been reflecting on it all the time?—On my arrival at home I retired to my bed.

What does she mean by the capital of Europe in that letter?—It is so long since I wrote that letter, that I cannot recall what I meant.

Well, having heard that letter read in French and in English, don't you know what you meant by the capital of Europe?—It is impossible for me at such a distance of time to recollect what I meant by all the words. It is so long since I cannot recollect.

By the word capital of Europe in the letter of the witness just read, she meant *Lausanne* or *Colombier*; not that she considered that the capital of Europe, but she was in the habit of calling it the capital of Europe in writing to her sister or her friends; she was in the habit of writing to them in a double sense. She does not know that she had any other meaning for that expression. The expression in her letter, stating that she wanted money, was true. She had no money at home, but if she wanted money, she could have it from her guardians. Perhaps she had got money at home. She was not supported with money by her father or mother when she was in the service of the Princess. And after she quitted the Princess's service she does not recollect that she was assisted with money by any body. She did not recollect that any one advanced her any money. No one gave her any money. She had a sister beside *Mariette* to whom she was much attached. She wished to place that sister in the service of the Princess, because her sister wished to travel, and had often spoken to the witness to place her out. Her age at that time was nineteen. Witness's father lives at *Colombier*, and is an agriculturist, a farmer. He subsists

from the produce of his own estate. It was a small demesne that he cultivates himself. He has no other subsistence but from his farm: he maintains himself by his daily labour. He lives in a small house, and has her mother and two daughters living with him.

The witness was then re-examined by the SOLICITOR-GENERAL.—In substance she stated, that her sister was still in the service of the Princess; that she had herself been turned away from the service of her Royal Highness in consequence of the interception of two letters which she had written to Mr. Sacchi, and in which it was thought she meant to insinuate that her Royal Highness loved him to excess. She did not mean literally to say that her Royal Highness loved him, but that she esteemed him as much as any other person in the house. *Bergami* had accused her of passing the night with *Sacchi*, but it was not true, for she had slept with her sister. Besides the letters produced, she wrote other letters to her sister. Her sister never answered her. Some other person in the name of her sister wrote to her, but she could not say who that person was. The letter produced was the handwriting of the Princess. The reason she went by the name of *Colombier* was, because she wished to be private. Mr. *Jeronymus* had called upon her several times since the Queen's arrival in England.

The witness next underwent a long examination by the PEERS.—She described the marks on the larger bed in the Princess's room at Naples, on the morning after the second night of her arrival, in the most unequivocal terms. She called the dress worn by the Princess, at the Theatre of St. Carlos, as monstrous, only because it had no shape at all. She denied, although in her letter to her sister she stated the fact, that she knew her Royal Highness to be surrounded by spies and enemies. She had heard this from her Royal Highness herself. The supposed offer of a brilliant fortune in England was a fiction; and her reason for writing in this manner was for fear the Princess, or *Bergami*, should open and read her letters.

The witness was then permitted to withdraw for a few minutes; she remained out nearly half an hour. Upon her return the examination was re-

sumed, and, in answer to further questions, she said that the morning she set out she agreed with her sister to put private marks on their correspondence, which should be intelligible to each other. She received only one letter from her sister; but she could not say whether it had any of the marks agreed upon between them. She said that her sister could understand the double meaning which was agreed upon in the letter; but on being further questioned to explain why, she said she was unable to recollect the reason. She certainly received a letter to come to England and fill a situation as governess. The invitation was anonymous—the letter had no signature; but as far as she recollects, it was in French. It was delivered to her, but she forgot by whom, nor could she tell whether it came by the post, or otherwise, or what date it bore. In point of fact, she did not know by whom the letter had been addressed to her; she could not now say if she had had then an idea of the person who sent it to her, nor did she recollect whether she had sent any answer to the letter or not. In her letter she wished to speak of the excessive goodness of her Royal Highness. She was sincere in the greatest number of the passages in that letter. She does not recollect if in all. The attachment to her Royal Highness had ceased in consequence of something which was said in the house of her Royal Highness concerning her. She did not come to this house to give her evidence in consequence of what had been said. Mr. Sacchi asked her to give her evidence; she came to tell the truth.

After some further questioning, the House adjourned at ten minutes after four.

MONDAY, September 4th.

The translations of Louisa Dumont's letters were put in, the Interpreter for the crown and for the Queen having agreed as to their accuracy.

FOURTEENTH, WITNESS.

[LUIGI GOLDINI.]

LUIGI GOLDINI was then called in and examined by Mr. PARK. His deposition was as follows:

I am a native of Biglio on Lake Como. I am a mason. I have worked

at the Villa d'Este for fourteen or fifteen days. I was employed at the house of Gaugiari; he was an agent at the Villa d'Este to the Princess. I remember being employed at his house upon a cornice. I went to look for him at the Villa d'Este: I went up stairs: I opened a door and saw a great many doors, one of which I opened. I then saw the Princess and Bergami seated together: Bergami had his arm across the Princess's neck. I do not know whether it was a sofa, an easy chair, or a small bed they were sitting on: I was only there for a moment. The breast of the Princess was uncovered from here (drawing his hand across his breasts.) When I entered, Bergami said "What do you want here, you dog?" I apologized, and said I had come to look for Gaugiari. He told me that was not a room to be entered; that it was not a place for masons to work in. I afterwards saw the Princess and Bergami once more: they were descending the stair case arm in arm: they stood for a moment together. I saw them subsequently three or four times upon an ass: Bergami was on foot; he was near the Princess; he had one hand behind her back, and at another time on her thigh, because she was sitting on an ass. There were people passing up and down—it was a public road. It was in the day time.

CROSS-EXAMINATION.

Cross-examined by Mr. TINDAL. —The first time I mentioned these transactions was to the agent at the Villa. I went to Milan afterwards on this business in 1818. I went to the house of M. Vilmarchati, the advocate, and was then examined by him. There were several other people there. One was stated to be a colonel, another an English advocate, and the other I did not know. The colonel was Colonel Brown. I was there four days and a half. I was examined on the third day, because there were others examined before me. I received ten livres per day to pay my expenses. I swear I did not receive more for going to Milan. I was applied to to come to England last winter, towards the end of March or the beginning of April. I was applied to by the same person to come here—that was Vilmarchati. I made an agreement with him to pay

me ten livres a day for my expenses of living. In coming over to England I paid my expenses out of the ten livres per day. I don't know by whom my expenses here are paid. I came this morning out of a room near this house, but I don't know where. There are several other persons there, but they are almost all strangers to me. Majocchi is there, but I did not know him before I came to England. The room in which I saw the Princess and Bergami had several doors to it. That was the first time I went into the room. It was about half-past nine, ten, or eleven o'clock, but I don't know precisely. The other men were at the building waiting until I should go to them. This was about the latter end of September, or beginning of October, 1817.

Re-examined.—When I came from Milan I was to receive ten livres per day, but I have not received that allowance since I have been here. I received that money for eleven days. When I came to England I landed in London; afterwards I went to Holland. I had first arrived at Dover, and four of my countrymen with me.

The witness was asked what happened to him at Dover, but Mr. Brougham having objected to the question, it was not pressed.

Lord LIVERPOOL.—For the better understanding of the witness's answer, I wish to ask him, when he opened the door and saw Bergami with his arm round the Princess's neck, whether her Royal Highness's breasts were bare?—I have seen it so; and, so far as I am concerned, I have seen it uncovered.

The LORD-CHANCELLOR.—Ask him how far did he see her Royal Highness's breasts uncovered?—I did not stay to look; I saw it and made my escape; I saw it in the twinkling of an eye (a laugh); it was uncovered as far as here (making a motion or sign which we could not see).

Lord Viscount FALMOUTH.—Read that answer.

Mr. GURNEY read it.

A PEER.—I wish to know whether the Princess was differently dressed in this respect when the witness saw her going down stairs from the time he saw her in the room.

The LORD-CHANCELLOR.—Will the noble lord who asked the question condescend to let others hear him?

Answer from the witness.—I say yes.

Duke of HAMILTON.—How was the Princess dressed at that time?—I cannot say so; I say what I saw, and was surprised at it.

Was there a handkerchief or any thing else that covered her Royal Highness's neck?—I say no. I saw it so with my own eyes: I saw her bare.

I wish to know whether Bergami's hand was round her Royal Highness's neck, or behind her neck?—I am the Princess, and you, the Interpreter, are the Baron (much laughter). The witness here passed his hand round the Interpreter's neck.

Does the witness say that Bergami had his hand round the Princess's neck?—I have repeated it many times. I have even shown it.

A PEER complained of the great impropriety and indecency of the witness's conduct in making such motions, and then laughing, as on this occasion; and said it ought not to be passed unnoticed.

Lord LIVERPOOL said that, whatever impressions might have been made on the minds of the noble lords, the conduct did not seem to require further notice.

The LORD-CHANCELLOR said he did not think this sort of thing excusable.

FIFTEENTH WITNESS.

[ALESSANDRO FINETTO.]

ALESSANDRO FINETTO was next called and sworn. He was examined by the ATTORNEY-GENERAL.

I am an ornamental painter. I was employed at the Villa d'Este. I was first employed by Baron Bergami. I was at the Villa d'Este two years. I afterwards went to Rome. During the time I was at the Villa d'Este I have repeatedly seen the Princess and Bergami walking about the grounds together. The Princess had hold of Bergami's hand. Sometimes they were accompanied by the dame d'honneur. I have seen them in a boat together many times: sometimes alone; sometimes accompanied by the dame d'honneur. I know Bergami's room. I remember once being in the anti-chamber, and saw Bergami coming out from the side where the Princess's room was. He was dressed in a morning gown, with his drawers on. He went to his own room. He saw me. When I was at Rome, at the Villa Brande, I waited

at table, at dinner, and at supper. Bergami dined and supped with the Princess. I remember being at Roccanelli. Bergami was ill there. He kept his bed. I have seen the Princess many times in his room. She was there conversing. I have seen her Royal Highness give him medicines. I brought the fire to get his bed warmed. I have seen him get out of bed for the purpose of having his bed warmed; the Princess was in the room at the time. I remember going from Ancona to Rome with the Princess. On that journey I have seen the Princess and Bergami together. I saw the Princess put her arms under Bergami's arms: they embraced; their faces were at a distance, for she is short and he is tall. I have been at Caprina, and have seen the Princess and Bergami together there. The first night of our arrival I saw them in the dark on the steps which led into the garden. I went to look for the key, because I thought it was the wife of the agent, and found it was the Princess embracing Bergami. I saw them kiss each other at the Villa d'Este.

The witness was not cross-examined, and withdrew.

SIXTEENTH WITNESS.

[DOMINICO BRUZO.]

DOMINICO BRUZO examined by Mr. PARK.—I am a mason. I was employed in the service of the Princess from 1815 to 1817. I have been at the Villa d'Este and at the Barona. I have seen the Princess and Bergami many times together. I have seen them in a boat and on land. On the evening of St. Bartholomew I saw them at the Villa d'Este sitting upon a bench in an harbour. They were alone. I afterwards saw them in the house caressing each other with their hands. Both were standing. They caressed each other with their hands (the witness illustrated his answer by stroking down the face of the Interpreter in a whimsical manner).

The witness withdrew.

SEVENTEENTH WITNESS.

[ANTONIO BIANCHI.]

ANTONIO BIANCHI examined by the ATTORNEY-GENERAL said, that he was an inhabitant of Como, and knew the Princess of Wales when she lived at the Villa d'Este. He had

seen her in a small boat many times on the Lake of Como with Bartolomeo Bergami—no person was with them, but themselves. He knew the river Brescia, and had seen the Princess and Bergami on the river. They were there in a little canoe near the gate which prevented the water overflowing the country. First, the canoe was empty, and in a moment after he saw them both in it, after being near the flood-gate, where there was a bank to prevent an inundation of a small piece of land—farther on, there was a new road made by the Princess through vineyards, where he first saw them. He had on other times also seen them on the Brescia, and dressed both in white, their clothes appeared to be wet, but as he did not touch them, he could not tell with accuracy. They went off together in the canoe down the small canal of the Brescia, about two o'clock. When he first saw the Princess and Bergami near the flood-gate, they were leaning against the board, and Bergami immediately after conducted her to the bank. Where he saw them at that time was near a bathing-place, about a yard deep; the bank is good there and the water clear, and many gentlemen like it for bathing. The Princess and Bergami were, he thought, at first in the water, but on seeing him they came out. They both wore loose trousers reaching to the feet.

The witness was here ordered to withdraw.

EIGHTEENTH WITNESS.

(GIOVANNI LUCCINI.)

GIOVANNI LUCCINI was next examined by Mr. PARK.—I am a whitewasher. I have been employed at the Villa d'Este in the service of the Princess of Wales. I know Bergami. I have seen the Princess and Bergami riding together in a pado vancello (a small carriage). The Princess was sitting on Bergami's knees. In his left hand he held the reins, in his right a whip. I have seen them sitting, reading, in the garden. Bergami took the Princess's arm and led her into a cabinet. I have seen Bergami in his room in his morning gown. The Princess was there, also, dressed in white. They looked out of the window together a short time, and then retired. I have been at the theatre at the Villa d'Este, and have seen the Princess

singing while Bergami was playing on a *torotetello*.

Earl GREY.—Is a *pado vanello* a carriage usually used in the country?—It is.

Is it not a carriage with one seat only?—One seat.

Can two people sit in it side by side?—No.

Is it not the custom for the person who drives to have the person sitting on his knee?—Certainly.

Lord ELLENBOROUGH.—Have you frequently seen two persons riding in this way?—Frequently.

NINETEENTH WITNESS.

(CARLO CARRATTI.)

CARLO CARRATTI sworn and examined by the ATTORNEY-GENERAL.—I have been in the service of the Princess of Wales about two years as confectioner. I first saw the Princess at the Villa d'Este. I know Bergami, and have often seen him and the Princess together. They walked as if they were two friends—husband and wife. I went with the Princess to the Villa Brandi at Rome. It was my business to prepare breakfast. I saw Bergami there. I went to Caprini with the Princess. The Princess had a nightingale; as I was taking food for the bird I saw Bergami and the Princess kissing each other. The Princess said, “Do not remain so long out, *mon cœur*.” I have seen the Princess in Bergami's room very often. When they came down to breakfast the Princess usually had Bergami under her arm.

TWENTIETH WITNESS.

(FRANCISCO GASSINO.)

FRANCISCO GASSINO examined.—I come from the neighbourhood of Como. I am a mason. I have been employed at the Villa d'Este for seventeen years. This witness further spoke to the alteration of the door in Bergami's room, subsequent to the Princess's return from Greece. The door was not a new one, but an old one reopened.

TWENTY-FIRST WITNESS.

(GIUSEPPE RASTELLI.)

GIUSEPPE RASTELLI examined.—I have been in the service of the

Princess of Wales, as superintendant of stables. I remained with her till the latter end of 1817. When I first went to the Princess, she was residing at the Villa d'Este. I knew Bergami. I have seen Bergami and the Princess ride in a *pado-vanello*. The Princess was seated on Bergami's knees. I have seen them on the Lake of Como several times; sometimes together, sometimes alone. When in the *pado-vanello*, I have seen the Princess extend her cloak over Bergami and herself. I recollect going with them to Caprini. It was my duty to ride before the carriage. I occasionally approached the carriage for instructions. I went near the carriage to know what road we were to take. The carriage was open. I observed the Princess's hand in Bergami's small clothes. I saw it distinctly, and was ashamed, and turned away. I went with them to Calolica. I saw the Princess go to meet Bergami in her carriage; when they met, Bergami alighted from his carriage, and ran towards that of the Princess; he embraced her, and said, “*Caro amico mio*,” or to that effect. (These words have the force of “*Mon cher amie*” in French.) They then took each other by the arm, and went into the same carriage together. This was at night. I remember the little Victorine. She called the Princess “Mamma;” and the Princess called her “*Ma cher fille*.” I was at Bologna. I saw the wife of Bergami there. She was once there when the Princess arrived, and they all escaped; they all went away.

CROSS-EXAMINATION.

Cross examined by Mr. DENMAN.—I was not dismissed from the service of the Princess for stealing corn, but because I gave leave to two of her men to go to an inn; and on their return, the Baron and Bernardo, his cousin, and some others, went to stop these men, and when they came to me to complain of it, I said that masters should not become thief takers. The next day Luigi came to me with my wages, and told me, “As I was an honest man, I ought not to stop with thief takers any longer,” (much laughter) and therefore I took my salary, and went away. I was never charged with stealing horse provender. I never said I had been dismissed for stealing

corn, for I never told a lie. I have been in England since the day before yesterday. I first heard the commission at Milan was sitting towards the end of December, 1818. I went to Milan by a man of the name of Rigauti, who told me to go to Vilmarcati, the advocate. I went before the commissioners two days after. What I said was taken down in writing: I was afterwards employed as a courier to the commission. In that capacity I went to Westphalia with a letter to a man of the name of Credi. I knew Credi in the house of her Royal Highness. I persuaded Credi to go to Milan. I afterwards went to Frankfort, accompanied by Mr. Cook; I saw Credi at Frankfort, and Prisson, who was in the service of the Princess in 1816, at the Lago Como. I did not speak to this woman; I saw her by chance. I afterwards went with some dispatches to Sir Charles Stewart at Paris. I went with several other dispatches; but I have lately come to England with eleven witnesses. I expect nothing for coming here but my expenses. I do not know whether Credi is in England. I have seen Prisson. I have never offered Dracom any money to come forward as a witness. I know the Count Vassali. I only said to him I had been discharged, which I have described. It was broad day light when I saw the Princess take her hand from Bergami's small-clothes.

TWENTY-SECOND WITNESS.
(GIUSSEPPE EGALI.)

GIUSSEPPE EGALI sworn and examined.—I am a waiter at the Crown Inn, which lies thirteen miles from Milan, between Milan and Como. I remember the Princess coming there about five years ago. Bergami came with her. They dined with ten or twelve others. At dinner they paid compliments to each other, and offered delicate morsels to each other. The witness then described, that after dinner, when the rest of the company had retired, he saw Bergami give the Princess a kiss. He had his arm on the shoulder of the Princess. Witness left the room, they bid him go.

TWENTY-THIRD WITNESS.
(GIUSSEPPE DEL ORTO.)

GIUSSEPPE DEL ORTO examined.—I am a baker. I was in the ser-

vico of the Princess of Wales at the Villa d'Este. I saw the Princess and Bergami sitting in the garden. He had his arm round her neck. He was making love to her, and kissed her. (The witness put his arm round the Interpreter's neck, and offered to kiss him). (laughter.) Before he kissed her he had got up: the Princess took him by the flap of the coat, and pulled him down again. It was after that the arm was put round the neck. I have seen the Princess and Bergami in the kitchen. There was some pollata there. Bergami took some in a spoon, put half in the Princess's mouth, and the rest in his own. I saw them again in the pantry. Bergami took a piece of sweet-meat and put it into the mouth of the Princess. I have seen them alone on the Lake of Como, in a canoe

TWENTY-FOURTH WITNESS.
(GIUSSEPPE GOURGIADI.)

GIUSSEPPE GOURGIADI sworn and examined.—I am a boatman on the lake Como. I have taken Bergami and the Princess in my boat to the theatre. I have seen the Princess kiss Bergami about four times. I have seen them in the pantry; and when they took themselves away from the table they went to the bed-room of the Princess, and locked themselves in.

CROSS-EXAMINATION.

Cross-examined by Mr. WILDE.—Witness said there were ten men in the boat when he saw what he had described between the Princess and Bergami.—Adjourned.

TUESDAY, September 5th.

TWENTY-FIFTH WITNESS.
(GIUSSEPPE SACCHI.)

GIUSSEPPE SACCHI sworn and examined by the ATTORNEY-GENERAL.—I am a native of Bellinzone in Italy. I entered the service of the Princess of Wales on the 7th of November, 1816, when her Royal Highness resided at the Villa d'Este. I was in her service one year. I was employed as a courier for about four months, and then I was promoted to the situation equerry. I was at the Villa d'Este about six months. When I entered the service of the Princess I

saw Bergami there. Soon after I entered the service I was sent with a dispatch to the Duchess of Parma; and, on my return with the answer, I saw the Princess sitting with Bergami alone. The Princess read the answer and laid it down on the table. While her Royal Highness was speaking to me, Bergami took the dispatch up, and pretended to read it, without asking leave. In the beginning of the month of December following I was sent with a dispatch to the Governor, General Saurau, at Milan. I was directed by Bergami to make the utmost speed, and to bring back the answer that night, which I did accordingly; and arrived at midnight. When I arrived I went into the kitchen; saw the footman; asked where Bergami was; and, in consequence of his information, I went to Bergami's anti-room, where his servant slept; and, finding the latter asleep, I went towards Bergami's own room, and the door being open I entered. I observed that the bed was tumbled; but nobody was there. I then went away; and as I was going I heard a noise on the opposite side, and, at the same time, heard some body say "Who's there?" I thought it was Bergami, and I answered that I was the courier from Milan. Bergami then came to me in his dressing-gown, and told me there was no necessity for delivering the answer. I don't know that he had any other clothes under his dressing-gown: I saw nothing else but his shirt. I saw him in the room where there is a door opposite to the door in his room. I did not see where he came from, because it was dark. The door of Bergami's room led into two other rooms in which nobody slept. I did not know where the Princess's bed-room was, nor where she slept. Whilst I was at the Villa d'Este I have often seen the Princess and Bergami walking arm in arm together in the garden. I remember carrying a letter to General Pino, and bringing a verbal answer back, and delivering it to the Princess in her own anti-chamber, which I remember was near that in which Bergami spoke to me on the night I have already mentioned. I have observed that when the Princess walked arm in arm with Bergami, she used to address him familiarly, and call him by tender names, such as "*Mon ami*," "*Mon amour*," and "*Mon cœur*." I remember accompanying the Prin-

cess to Turin. She lodged at the "*Alberg del Univero*." I went before her for the last post. When I arrived at the inn I made arrangements with the innkeeper for sleeping accommodations. For her Royal Highness the best apartment was provided; others near it for the *dame d'honneur* and the *femme-de-chambre*; for the gentlemen we allotted other apartments separate from the rest. On the arrival of the Princess and Bergami I shewed them the distinction I had made; but it did not meet with the approbation of either, and the apartments I had chosen for the gentlemen were allotted to her Royal Highness, the *dame d'honneur*, Bergami, and the *femme de chambre*. Between the room of her Royal Highness and that of Bergami was the room of the *dame d'honneur*, which formed a medium of communication between the former rooms. Her Royal Highness remained at Turin about six days. I went with her to the Barona, where she gave several balls. At the beginning, besides her Royal Highness's suite, there came also to the balls some persons of distinction, and persons of all ranks. Afterwards people of very low condition attended. Persons of rank were no longer seen, except the suite of her Royal Highness, because some low freedoms were allowed. The sort of freedoms I allude to were that those persons were allowed to come and take the women out with them at their pleasure and will. I have not heard the Princess say any thing upon those persons going out and coming in. I do remember hearing the Princess saying something to me about those girls that were at the ball. One day while I was in the court and her Royal Highness and Bergami were there, the Princess told me these precise words. She said she wished to make a present to some of these girls, and then she asked me, and said, "How can we dress these young maids?" (*verginelle*.) Then she asked me "Do you believe they are so (or such?)" and I answered that as far as I was concerned I believed them to be honest (*honeste*) girls; and that I had nothing to say against them; and the Princess told me "I know, you rogue, that you have been in bed with three of them, and how many times you have had intercourse with them;" and I being surprised at this compliment, endeavoured to persuade

her Royal Highness that she was deceived. Bergami was present, and began to laugh, and to cry aloud, "It is true! it is true! it is true!" The word *verginelle* means young virgins. I should also have said modest girls, instead of honest girls. The words maid and virgin are both in the Italian language expressed by the same word. I did not hear from her Royal Highness to which of the girls the present was made. I have several times seen the Princess at the balls in the same room with those persons of low condition to whom I have alluded; sometimes I have seen her Royal Highness join in the dances. On one occasion, when one of the women came to the house of her Royal Highness, and when she was seen by her Royal Highness, she pointed her out with her finger, laughed, and exclaimed—"How much the population of the Barona would be increased!" I attended the Princess in her tour through Germany. In the course of that journey Bergami purchased a carriage for two persons. It was provided for my use during the nights and days when the weather was bad. The Princess and Bergami also travelled in it many times in fair weather. I remember one day, whilst they remained at a place, the name of which I forget, the Princess and Bergami set out in this small carriage before I was in time to follow them, as I was obliged to set about getting the other carriages ready; and having followed them as soon as I could, making the most haste, I could not overtake them till they arrived at the first station. When I arrived I asked about them, and I was pointed to a room where they were. I knocked at the door and enquired whether I could enter; Bergami answered I could not come in, as I did. After I entered, I saw the Princess and Bergami on the bed; but I must observe, that they were decently dressed and at a distance from one another. They were lying on the bed as far as the middle, and their backs were leaning or resting against the wall. I don't know whether in the course of that journey we stopped at any inn at which there were English persons staying; but I remember, when I preceded her Royal Highness on the road to Munich, she told me that the first on settling for lodgings was to inquire whether there were any

English, and if there were any English I was to inquire after their rank, and to go somewhere else for lodgings for her Royal Highness. I continued to bespeak the lodgings as far as Carlsruhe, but when we arrived at Carlsruhe the same thing happened as happened at Turin, with regard to the arrangement of the rooms. I did not meddle with it any more during the rest of the journey, leaving her Royal Highness to do as she liked. During the course of that journey, generally speaking, the bed-rooms of the Princess and Bergami were as near to each other as possible. In the course of the journey we went to Mount Falconi, and arrived there at night, having been overtaken by a violent storm and darkness we were obliged to stop at a miserable inn; on their arrival the Princess and Bergami mounted the stairs, and went into a room where there was a bed. They remained there alone till the rest of the suite arrived, being about an hour, or an hour and a half. After that journey we returned to Milan, and then went to Rome. On our journey to Rome we stopped at a place called Savignana, where the Princess was taken ill with violent pains. She was attended by Bergami and the Countess of Oldi. Hot clothes were prepared, and Bergami and the Countess carried them to the room where her Royal Highness was. We went afterwards to Ampona. At that place I attended Bergami when he was lying on a sick bed. I observed a door open in his room leading to another room, which I believe was the Princess's, but I cannot with certainty say that it was. I saw in that room some things belonging to her Royal Highness, as, for instance, the boxes belonging to her toilet. There was also a bed there. We afterwards went to Roccanelli, where Bergami was ill and confined to his bed. One evening I was going to visit him about eleven o'clock, and when I was at the door, which was part open, I saw him in bed, and the Princess lying stretched out on a sofa by the side of the bed. There were some cushions on the sofa. On the seeing the Princess in that situation I immediately withdrew. From Roccanelli we went to Villa Grande. I slept in the wing of the house on the left of the entrance door. Bergami slept on the right hand, exactly opposite to my

room. Her Royal Highness also slept on the same side of the house with Bergami. I remember one night when the rest of the family were in bed, after midnight, while it was insufferably hot, I was at the window of my room, and as I heard a noise on the side of the room of Bergami, I withdrew a little; I saw Bergami come out of his room, and go to the door that led to the apartment of her Royal Highness; he opened the door, entered, and I saw him come out no more. I remained at my window about an hour after I saw Bergami enter. A few nights after I saw the same thing, and about the same time at night. After remaining about a quarter of an hour the second time, I did not see Bergami return to his room. At Villa Grande I saw two busts, which I was told were meant to represent the Princess and Bergami. I myself thought they represented her Royal Highness and Bergami, from the likenesses. They were nearly of the same size, and both were in Bergami's room. It was in the month of July that I saw Bergami entering the Princess's room at night. The Princess went from Rome to Senegaglia. The weather was very hot at the time, and she travelled by night. I was always by the side of her Royal Highness's carriage, which was surrounded by curtains. Every morning, when day appeared, I went to the carriage to ask her Royal Highness if she wanted any thing, and I have several times drawn the curtains aside. Besides the Princess, the Countess Oldi and Bergami's child sometimes travelled in that carriage. On these occasions, when I used to draw the curtains, I have two or three times observed the Princess and Bergami asleep, with their hands on each other: Bergami had his hand on a particular part of her Royal Highness's person, and her Royal Highness's hand was in a similar position with regard to Bergami's. I once observed that Bergami's breeches (his caloiny) were half loosened, that they were free from the braces and unbuttoned, and in that situation the Princess's hand was on the person of Bergami. There was no other person in the carriage at that time. They were both asleep there. I saw Bergami kiss the Princess's neck. I attended them to Pesaro. Whilst the Princess remained at Pesaro, Bergami went to Bologna for

two days. The Princess went to meet him on his return with part of her suite; they met at the toll-gate, alighted from their respective carriages, kissed and embraced mutually; they then returned in the same carriage to Pesaro.

CROSS-EXAMINATION.

Cross-examined by Mr. BROUGHAM.—I don't at all understand English. I have been in this country about fourteen months. I have lived during that time sometimes in London and sometimes in the country. My name is Sacchi. I was called Sacchine at Milan; it is true that I have been called Milani in this country, and have always gone by that name here. I was at Stevenage sometimes, but I never lived there. When in the country, I was at Aston; that is four miles from Stevenage. I lived there in the house of the Reverend Philip Godfrey. I have seen him once lately in London. After I left the Princess's service, I went first to live at Milan. I went into no other service. I have been always out of place since that time. I have never been in any other service since. I was first examined at Milan upon this business in November, 1818. That was not the first time I told this story to any person at Milan. I had told it at other times. The first time I ever was examined upon the subject was in the month of November, 1818. I had told the story before that time to different people, but I do not recollect at present any one of them. A messenger was sent for me by the Advocate Vilmarcati, to go to Milan to be examined. I saw no one else with Vilmarcati. He did not examine me at that time. I was examined the first time about a fortnight afterwards; there were present on that occasion the Advocate Vilmarcati, Mr. Powell, Colonel Brown, and a gentleman whom they called Cooke. What I said they took down in writing. I did not there make oath then as to what I said. I did in London, at Mr. Powell's chambers. When out of service at Milan I supported myself. I always had means of my own. After I was advanced from the station of courier in her Royal Highness's service, my wages were never settled; I did not serve the Princess as a volunteer. I received something, but no certain salary. Whilst

in her Royal Highness's service I received money at three several times, amounting in the whole to sixty or seventy Napoleons. I do not remember how much I received as courier only. I continued in her Royal Highness's service as courier about nine months out of the twelve that I was with her. I entered her Royal Highness's service through the good offices of M. Chiavini, a banker, the Baron Caroletti, and Bergami. I mean to say, that I was always, thank God, in easy circumstances. I mean to say that I was always as well dressed as I am now. I do not know that I was called Count Milan when I was introduced to M. Marietti. I am sworn to tell the truth, and the truth alone; and I swear that I was not introduced under the name of Count Milani. I will swear that I do not know that I was called the Count Milan on that occasion. I am sure that I never heard myself called Count in the presence of M. Marietti. I am sure that I never heard myself so called at Aston. I will swear that I never was introduced to M. Marietti as a merchant. I never stated to him that I had come to this country for commercial purposes. I always said that I came here in the service of a Spanish family. It is not true, in point of fact, that I did come over in the service of a Spanish family. I have said that I had a lawsuit with the Princess of Wales, but never that she owed any money. I meant by that to say, that I was engaged in the process which was making against her Royal Highness. I do not mean to say, that I told M. Marietti that I was one of the witnesses in the prosecution against the Princess. I never said any thing to M. Marietti on the subject. To whomsoever I told this story of a lawsuit, I told it as a "*double entendre*." I think I did disclose to some part of M. Marietti's family that I was one of the witnesses against her Royal Highness. This was about two months ago. I mentioned my real name to some one else; I told my real name to one of the brothers of Signor Marietti, who was in the family. That was seven or eight months from the present time. I don't remember to whom I told my real name two months ago. It is some time since the gentleman to whom I disclosed my name in M. Marietti's family got out from Milan. I have been several times in M. Marietti's

house in London since that time. The last time that I was on a visit there, was about three or four months since. Signor Marietti's brother, who had set out from Milan, knew that my real name was Sacchi. The other members of the family never called me Sacchi during the last day that I was visiting them. The last time that I was visiting the family of Mr. Godfrey, at Aston, I told him that my real name was Sacchi. I did not tell them myself that I was to be one of the witnesses in this cause, but I caused it to be told to them by a M. Spireti, a Milanese gentleman, whom I have known in the house of Marietti. I have been told that Spireti was a cousin of Marietti. The first time that Spireti knew who I really was, was one day when he had me to pay him a visit there. I told him who I was. This is seven or eight months ago. I swear that it was about seven months ago. I do not remember that I ever made application to be taken back into the service of her Royal Highness. I never represented to any one, after I had left the service of her Royal Highness, that I was in a destitute condition.

Did you ever entreat any person at her Royal Highness's household to have compassion on your miserable situation, after you had left her service?—I have never been in a miserable situation (a laugh).

Will you swear that you never intreated any one of the suite of her Royal Highness to take pity, or to have compassion on you, after you had left her service?—On what account to have compassion on me?

That, Sir, is a question, and not an answer. I must have an answer to this question: Will you swear that you never intreated of the Princess's suite, after you had quitted her service, to take compassion on you?—It may be that I have:

Did you ever represent to any person, after you had left her Royal Highness's service, that you taxed yourself with ingratitude towards a most generous mistress?

The ATTORNEY-GENERAL objected to this question in point of form; and after a discussion of some length, the judges were called upon to give their opinion. "Whether, according to the established practice of the courts below, counsel examining are entitled, if the counsel on the other

side object to it, to ask a witness, whether he has before made a representation of a matter to any one, not specifying at the same time whether that representation has reference to one made in writing, or of parole." The judges, after retiring for about twenty minutes, returned, and declared it to be their opinion, that counsel had a right to ask the witness generally if he had ever made a representation; but if they asked him the particular nature of that representation, then the rules of evidence permitted the counsel opposite to interpose, and ask if the representation alluded to had ever been made in writing.

After some further discussion, Mr. BROUGHAM resumed the cross-examination of the witness, who deposed as follows :

I never said to any person, that my conduct to the Princess was liable to a charge of ingratitude with respect to a generous benefactress. This is my hand-writing (a paper put into his hand;) and this also is my writing (another paper.) You need not read the whole of it; it is my writing. I have been called by another name besides Sacchi and Milani. I am still called by another name. I beg as a favour from the honourable house, that I may not answer the question, "What is that other name?" Because if I should tell the name by which I go, I should be exposed to the fury of those who have ill intentions against me. I beg, at all events the house to interpose its authority that the name may not be inserted in the public papers. (Mr. Brougham, after such an intimation, would not ask the name.) I do not remember to have been called by any other name than those alluded to whilst abroad in Italy. I do not remember to have made use of any other name while I was in Italy for the purpose of corresponding with any person. I have been many times in Switzerland; and I have been at Morges and at Colomblar. I have been at these two latter places six weeks. I made myself known to every body that I was there. I never concealed myself. I went by the name of Sacchi there. I had money in my name at a banker's at Lausanne, to the amount of fifty Louis. I never had any more money at any time in that banker's hands; and I swear that I never had credit at that banker's, which allowed me to draw

for greater sums. I do not remember ever to have said any thing to that effect to any one. I will not swear that I have not said so, because I cannot swear when I am in doubt. I brought Mademoiselle Dumont from Lausanne to Milan, but I did not take her back. I did not go to prevail on her to go to Milan; I only went to ask her if she wished to go, or whether she would go or not. I was desired by the commission at Milan to fetch her. I never told any one when Madame Dumont went away with me to Milan, that she was going back into the service of the Princess. I came over to this country with Mr. Crouse. I never heard that he was the person who was arrested in Paris for dealing in forged notes. He came to London with me. I don't know whether Mr. Crouse is a regular messenger, or only employed on this Milan commission business. I never made any other journey with Mr. Crouse. I never received any money from the Milan commission, except for the expense of my journey to Lausanne and back, and for the journey which I took Charnitz and back. I swear that I never received any promise of any money or recompense for my trouble in this business. I never asked for any thing, nor has any thing been offered to me. No one has ever promised me any thing. I have never said to any body that I received any money or advantage. I may have said that I received the expenses of my journey. I hope that my time will be paid for. I have seen Mademoiselle Dumont many times since she came to this country. I have not seen any of the other witnesses here.

Re-examined by the ATTORNEY-GENERAL.—My family now resides at Broglia. I have served ten years in the army of the kingdom of Italy, headed by Buonaparte. When I left it I held the rank of lieutenant of cavalry, to which I was appointed on the 6th of September, 1805, on the field of battle. At the time when I left the service of the Princess I received from her Royal Highness a certificate of my character. I have it about me. (witness produced a paper.) I do not know that it is signed by the Princess herself, in her own hand-writing; but when it was given to me I was told that it had been signed by her. I don't remember ever to have seen the Princess write. I have seen the seal on this paper upon

the letters of the Princess. The certificate was given to me by Count Schiavini. The body of the certificate is written by him. He held the situation of Marshal di Palazzo in the service of the Princess. I did not apply to Schiavini for the certificate. Majocchi was the only person that I saw receive a certificate from Schiavini while I was in the service of the Princess. (The House did not allow the certificate to be read.) I know that the Mariettis were once the bankers of the Princess at Milan. I told Marietti that I was a witness against the Queen, on the occasion that he came to pay me a visit two months ago, at my lodgings. Before I stated that to Marietti he had said nothing more to me than I have already stated.

On your saying you were a witness, did Marietti make any observation on that subject?

Mr. BROUGHAM objected to this question. What Marietti said could not touch the Queen, unless agency be first established.—After some desultory discussion,

The LORD-CHANCELLOR said, great care ought to be taken in framing the question, and he would prepare himself for the purpose of giving his opinion by to-morrow morning.—Adjourned.

WEDNESDAY, September 6th.

The LORD-CHANCELLOR recapitulated what had occurred yesterday on the questions put to the witness Giuseppi Sacchi, relative to what had passed between him and the banker, M. Marietti. His lordship, having considered the subject, wished to simplify the question to be put to the judges by reducing it to a form which was nearly to the following effect:—If, on the trial of an action brought by A. the plaintiff, against B. the defendant, a witness on the part of the plaintiff, on the cross-examination of the defendant's counsel, had stated, in answer to a question, that, at a time specified, he had told C. D. that he was one of the witnesses against the defence: and, being re-examined by the plaintiff's counsel, should be asked if C. D. had inquired into his reasons for becoming a witness against the defendant, and the counsel for the plaintiff should then proceed further to examine the witness as to what passed between

him and C. D. as far only as related to his conduct; the question was, whether, according to the established rules of the courts below, the counsel for the plaintiff would be entitled to re-examine this witness. On this question, and on questions as to the right of examining the witness on what had passed between him and C. D. before or after the witness had stated himself to be a witness for the defence, he thought it might now be right to ask the opinions of the judges.

The judges immediately withdrew.

Mr. BROUGHAM complained of a misrepresentation in a morning paper, of an answer given by the witness Sacchi. This misrepresentation went to convey an idea that his brother had promised to bestow favors on those who would not go as witnesses against the Queen; such an insinuation had not been thrown out in any part of the evidence.

The LORD-CHANCELLOR said that the publication complained of was by no means consistent with the evidence which had been given. With respect to representations and misrepresentations which were to be found in the public prints, he trusted that their lordships would excuse him for now taking the liberty of saying, that if their lordships had chosen to waive their privileges with respect to such publication, they must yet insist that they should be minutely correct. Whatever might have been the complaints with respect to some other publications that had gone forth to the world, or whatever might be intended respecting them, their lordships would be hereafter called upon to consider. At present it did not appear expedient to enter upon the subject.

The judges, having remained apart nearly two hours in consultation, returned at ten minutes before one o'clock.

The Lord Chief Justice ABBOTT then stated, that the judges had taken into consideration the two questions referred to them by their lordships, but as they had not come to an unanimous opinion, they proposed to deliver their respective opinions *seriatim*.

The LORD-CHANCELLOR observed, that they would adopt their own mode of communicating the result of their consultation to the house.

Mr. Justice RICHARDSON then read the questions proposed, and said he found himself obliged to answer

them in the negative. He did not conceive that counsel were entitled by the rules of practice, to enquire in re-examination into the whole extent of conversation which might have passed between the witness and C. D., touching the statement of the former that he was a witness in the cause.

Mr. Justice BEST gave his opinion and reasons for answering the questions in the affirmative. He thought the re-examination, in justice to the witness, ought to go to the whole extent of the conversation, in order that the real state of the facts, by reference to all their circumstances, might be fully understood.

The remaining judges concurred with Mr. Justice Richardson.

The counsel were then called in, and the Attorney-General was informed, that he must not put the question to which objection had been taken.

The witness Sacchi was then again put to the bar, and was further re-examined by the Attorney-General. He deposed as follows:—I took the name of Milani on account of the tumult which had then taken place, and the danger I should run if my own were known. I assumed this name immediately after the affair at Dover.

Examined by the Marquis of BUCKINGHAM: I have known Marietti since my arrival in London. I have known three brothers of the Mariettis.

Did any one of the Mariettis whom you knew in London make any proposition to you touching the evidence which you were to give in this case?—Guiseppe Marietti came to my lodging one day, and told me that he wanted to speak to me; and he told me that he was directed by Mr. Brougham, the brother of the Attorney General of the Queen, who had called upon him in the morning and inquired if he knew me. He (Marietti) answered that he did know me, and then the brother of Mr. Brougham asked him whether he might be able to learn from me something relating to the Princess. Marietti added, "as the Messrs. Broughams had done me some services while I had some transactions with the Princess, so I should like to do them also some service; but before I communicate to you what I have got to say, I beg to tell you that I come as a friend, and not to dissuade you from doing what you have resolved on; having also represented to Mr. Brougham that I would not

either commit myself, or wish that the parties should commit themselves." And he added, "as the ministers have refused to grant a list of the witnesses, or of the heads of the charges against the Queen, we should like to know something from you, if you know any of the witnesses, if you know their number, and if you can inform us any thing of the depositions which they are to make." Then I answered, that although I knew something, I would never tell it, for that it might commit me; that I knew only one of the witnesses; that I knew no deposition of any other witness, and that I could give him no other account. Marietti added, that it was wished to know so much, because the Queen might prepare her own defence. Afterwards he asked me whether I might know something concerning the depositions, and gave me various assurances that he did not wish to know this from me to commit me, or to commit any of the parties. I remember no more.

Did Marietti give you any advice as to the evidence which you were at any time to give?—Never.

Did Marietti offer you any money with respect to the evidence you were to give?—Never.

The Marquis of BUCKINGHAM would very readily put to the witness any question which the Attorney-General of the Queen might suggest.

Mr. BROUGHAM felt much indebted to the noble marquis: but he had no reason to be dissatisfied with the answer of the witness, although perhaps others might.

Examined by Earl GREY—I took the name of Milani before I set out from Paris for England. I bore that name until the affair at Dover happened, and then I changed it, and not before.

By the Earl of DARLINGTON—I left the Princess in consequence of a quarrel I had with the confectioner. Her Royal Highness said she gave me my discharge as an example for others. She did not wish such quarrels to take place.

The witness withdrew.

The LORD-CHANCELLOR took this opportunity of stating, that he had received a communication from a noble lord (Lord Montague,) one of the witnesses for the Queen, who was in such a state of health as would prevent him from attending the house.

He wished to know whether the counsel on both sides would agree that he might be examined abroad, by something in the nature of a commission? Their lordships had caused witnesses to be examined in Ireland, by directing magistrates there to take depositions, and they had done the same in different parts of this country. He knew this could not be permitted without the consent of both parties; but, if they would consent, he thought their lordships would agree to the proceedings, as far as the practice of the house was concerned. He did not wish to receive any answer from the counsel this evening on the subject; but he would mention it to-morrow morning, and in the mean time they would have an opportunity of considering the matter. He thought it necessary, however, to state the circumstance, when he was apprized that a witness in favour of the Queen could not attend.

Mr. ROBERT PHAER, a cashier in the banking-house of Coutts and Co. being called, the certificate given by the Queen to the witness, Sacchi, was put into his hands. He deposed that he had been thirteen years in the employ of Coutts and Co., and was acquainted with the hand-writing of the Princess of Wales, from having paid drafts signed by her. The certificate was of her writing.

A paper was also put into the hands of the witness by Mr. BROUGHAM, which purported to be signed by the King, we believe, when Prince of Wales, but Mr. Phaer could not swear that it was the hand-writing of his Majesty, as, though the King kept cash at the house of Coutts and Co. he never drew it out himself.

The certificate given to Guiseppe Sacchi, a native of Como, dated Pesaro, November 5th, 1817, was then read by the Interpreter, in Italian, and afterwards in English. It gave the witness "a most excellent character for assiduity, zeal, and fidelity," and stated that he was only discharged from motives of economy, and for the sake of retaining older servants. It was signed "Caroline P."

The ATTORNEY-GENERAL then offered the certificate given by Schiavini to Majocchi, in the hand-writing of Schiavini, and neither signed nor sealed by the Princess. He contended, on the evidence of Madame Dumont, that Schiavini, as Marshal of the Palace,

was authorised to give these certificates.

Mr. BROUGHAM, on the contrary, insisted, that though it appeared by the testimony of Madame Dumont that Schiavini "several times" had given certificates, yet those very words implied that somebody else gave them at other times.

The LORD-CHANCELLOR referred to the evidence of Francisco di Rollo, who had received a certificate from the hands and in the writing of the Princess herself. He thought that no sufficient ground had been laid for reading the certificate of Majocchi.

The House decided accordingly, and it was rejected.

APPLICATION FOR DELAY.

The ATTORNEY-GENERAL.—I have now an application to make to your lordships of considerable importance, and I wish to state shortly the circumstances under which I address your lordships. I am instructed to say, that certain persons residing at Lugano and its vicinity had actually set out for the purpose of giving evidence at your lordships' bar, in the very momentous question that at present engages your lordships' attention. Those persons had arrived at Beauvais, two stages at this side of Paris, when reports and rumours of the ill-treatment of their countrymen, who had already landed in England, reached them, and created in their minds considerable alarm for their own personal safety. These fears they communicated to the magistrate at Beauvais, and having deposed to them upon oath, they returned to their respective homes. When we first received intelligence of their arrival at Beauvais, and of the apprehension they entertained as to their own safety, no time was lost in sending thither in order to induce them to alter their intention of returning, and to persuade them to proceed to England. Before the arrival of these persons they had left Beauvais, and on Monday last a letter was received from Lugano, and from the contents of that letter we expect that a very few days will elapse before their arrival in England. Indeed they had left that place on the 29th of August, for the purpose of attending here, and I have reason to believe that some or all of them are on their way to this country.

Mr. BROUGHAM, in resisting the application, said, that the only analogy to guide the House was to be found in the proceedings of the courts below: there, such a motion as that the remainder of a trial should be postponed when it had been half gone through, because a material witness was absent, had never yet been heard of.

Mr. DENMAN followed on the same side.

The ATTORNEY-GENERAL replied.

Lord ERSKINE said the delay required was monstrously repugnant to every principle of justice, and that it was merely an attempt to make a new case, at least it was to add to it; and who ever heard that under any circumstances, after a cause was once begun, such a delay was granted? Even an earthquake should not induce him to yield to such an interruption of the fair principles of justice.—(Cries of Adjourn, adjourn!)

The LORD CHANCELLOR then put two questions to the counsel, one to the Attorney-General, and the other to Mr. Brougham.

The first to the Attorney-General was, "Upon what evidence or documents do you make this application?"

The ATTORNEY and SOLICITOR-GENERAL replied, that they had a letter, to which was annexed an affidavit, which letter, &c. had arrived from Lugano, and which stated the reasons why the witnesses had been detained in Italy. Both counsel strongly contended that such evidence would, in a court below, be quite sufficient to put off a trial: If it was said that affidavits could not be produced in that House as evidence, they replied in answer to that, that a person could be produced at the bar of the House, who would swear to his belief of the facts, and that was all that was required in the Courts below.

The question put to Mr. Brougham was the following:—"If the Attorney-General will now state that his case is closed, will you waive your right of cross-examination of the witnesses at a future period."

Mr. BROUGHAM replied, that under these circumstances, if one of the witnesses was called back, and asked two or three questions, he should have no objection to waive his right of cross-examination.

Adjourned.

THURSDAY, September 7th.

At a quarter past ten counsel were called in.

The ATTORNEY-GENERAL.—My lords, I think it right to inform your lordships, that I have, within the last half hour, received dispatches from Milan; in consequence of which a longer delay than I asked for yesterday must take place before the witnesses can arrive in this country. Under these circumstances, I beg leave to withdraw the application which I made yesterday.

The LORD CHANCELLOR.—Before I put the question to your lordships "whether it is your lordships' pleasure that the application be withdrawn," I beg leave to say, that the Attorney-General having, in opening his case, adverted to certain circumstances, would not have discharged his duty to this House if he did not submit to your lordships the application which he had made yesterday.

The application was then withdrawn.

Mr. BROUGHAM.—Considering my learned friend to say that this is his case, and that he will not call any mere witnesses unless something which may arise in the cross-examination should induce him to do so, I now beg leave to call Theodore Majochi, for the purpose of putting one or two questions to him.

THEODORE MAJOCHI.

THEODORE MAJOCHI was put to the bar and examined by Mr. BROUGHAM: his answers were to the following effect.—I know a person of the name of Cavazzi, in London—he said he was a relation of persons of that name in Milan. I knew him only for a few days. I did not dine with him last winter for eight or ten days together. I dined with him twice. I shewed him a letter that came from my wife at Milan, I shewed him a despatch which I was to carry abroad to Lord Stewart. I shewed him also a number of Napoleons. They were to pay the expenses of my journey. I believe there were eighty. I will not swear I did not shew him 150. I counted eighty. I cannot swear that I had been given more than I asked for my expenses. I do not know a person of the name of Bizsette, in Liqueurpond-street. I do not remember Liqueurpond-street. I came home

in a sack, and I went away in a trunk. I don't know English. I remember an Italian who served me as a guide about London. I never asked his name. I was told that he was a cabinet-maker. We spoke about the King's funeral. I remember we came to some street in which there was a house at which I had to deliver a letter. His servant told me he was not at home because he had gone to see the funeral of the King. On that or some other day I went to find a person in another house, whether it was large or small I cannot say. On the first day of my arrival in England, I went to a house that I was told was the Court of the King, for I had three or four letters. I met there Mr. Powell. I made an appointment to meet him at his chambers at six o'clock in the evening. I went several times to this great house afterwards. It was said to be the palace of the King. I do not remember that I had any conversation with Mr. Powell respecting my expenses. He did not say to me money was no object, and that I might have more if I wanted it. Mr. Powell never held such language to me in the presence of any Laquais de Place. I remember dining at the tavern with Cavazzi. I do not know the name of it; I should know the landlord if I saw him. (Mr. Long, the landlord, was called in.) Yes, I know him. I employed him to write a letter for me to Mr. Blackwell, and another to Mr. Hyatt. I told him to write to the following effect to Mr. Blackwell. "I have not found your brother at home, but I have left your letter in the hands of his wife—they are all well, and I beg you to make my compliments to the family and towards every body in it." I added, that I had got a situation to set out for Vienna. I desired Mr. Long to write also as a matter of compliment, that after I left them I could not eat, nor drink, nor sleep. (Laughter.) I wanted to marry Mrs. Blackwell, Mrs. Hughes, and every body in the house. (Loud laughter.) I was never in Paris.

In re-examination by the ATTORNEY-GENERAL, witness said he had received the Napoleons, to which allusion had been made, to pay the expenses of his journey. He afterwards gave an account of his expenditure.

Earl GREY.—Are we to understand that you can neither read nor write?

—I can only write my name, and hardly that.

Earl GREY begged the House to refer to page 141 of the minutes, and then desired the Interpreter to read from that page the following questions and answers:—

"How long were you in England at that period when you lived with Mr. Hyatt at Gloucester?—This I cannot remember, because I have not the book in which I have marked the time.

"About how long were you in Mr. Hyatt's service?—This is the same answer—because I have not the book in which I put down how long I was there."

Earl GREY then desired the witness to be asked if he adhered to these answers.

After considerable difficulty in making the witness understand the question, he said he had no book of any sort whatever, for he could neither read nor write.

The ATTORNEY-GENERAL.—Am I to understand that the Queen's Attorney-General does not contemplate any further cross-examination at any time?

Mr. BROUGHAM.—At no time.

SUMMING UP OF EVIDENCE,

The SOLICITOR GENERAL then rose to sum up the evidence to the House. He commenced by stating, that his learned friend (Mr. Brougham) having closed the long and elaborate cross-examination of Theodore Majocchi, and as the whole of the evidence in support of the bill was now before their lordships, the duty devolved upon him of summing up to their lordships the leading points of that evidence, in support of the allegations contained in the preamble of the bill of pains and penalties against her Majesty the Queen. He trusted that, before he entered upon this summing up, their lordships would allow him a few moments to justify himself, and his learned friends who acted with him, as to the course pursued by them, and the principles by which they were actuated, in conducting this most painful and anxious inquiry. The moment the Attorney-General had received his instructions to support this bill, he, together with his learned friends who were appointed to assist him, directed

their most minute and anxious attention to collect all the evidence that it would be their duty to adduce before their lordships upon such an occasion. They lost not a moment in weighing well and considering all the materials, and every other evidence which could bear upon this great question. They collected together and digested every thing which they thought material to this paramount inquiry, without regard to either the influence or the impression which any parts of that evidence were calculated to create when it came before their lordships. In so doing they felt that they were performing their duty fully, fairly, and candidly to their lordships. Now that the evidence had been gone through, they trusted that their lordships thought they had fully discharged the duty imposed upon them. They felt that in the progress of this cause they were not to make themselves a party to the inquiry; but to pursue it according to their lordships' instructions, fairly, candidly, and honestly. Having said thus much in behalf of himself and his learned colleagues, the duty now devolved upon him of pointing their lordships' attention to the leading facts, as disclosed in the evidence before them. The difficulty which he had to encounter, in performing this duty, was, as their lordships must be aware, greatly augmented by the circumstance, that as the learned counsel for the Queen had yet to make their answer to the case, he was left without any knowledge of any of the arguments with which they meant to combat the provisions of the bill, or of any of the facts upon which the defence of her Majesty the Queen mainly rested. All that he could therefore do, in the performance of his present duty, was to enforce upon their lordship's attention the manner in which the case at present stood, and how the evidence adduced made out and supported the allegations in the preamble of the bill. He trusted that, upon reference to that evidence, which he would not now give their lordships the trouble of reading, they would find the preamble mainly sustained. Before he impressed the leading facts upon their lordships' memory, he begged to state that he should carefully abstain from either mis-statement or exaggeration. His duty was not to impose or to influence by any distorted statement; all that was required of him

was, that he should sum up the evidence with truth and accuracy, and then point out how it applied to the charges upon which the bill was founded. If it were not expected of him to incur any charge of this mis-statement, still less, he hoped, was it expected of him to use the slightest expression derogatory from the station and dignity of her Majesty the Queen. No such expressions should escape his lips. The Queen was here on trial before their lordships: one side—and that the case against her—had only been heard. He, therefore, was bound in strict law, and so were their lordships, to consider her Majesty innocent of those foul charges ascribed to her until they heard her defence. None could pronounce her guilty until their lordships' verdict decided and justified that imputation. He and his learned friends had been charged with scattering calumnies abroad, and throwing dirt against the character of the Queen. But, though this charge had been insidiously disseminated, he, and those with him, felt guiltless of the imputation. They had, throughout, stated nothing which they had reason to believe would not be satisfactorily proved. If calumnies had been uttered, they belonged to another quarter; that quarter alone ought to be called upon to account for them. Before he went further, he would beg leave to call their lordships' attention to the nature of the charge set forth in the preamble of the Bill of Pains and Penalties against her Majesty the Queen. That preamble began by stating, that her Majesty in the year 1814 had, in Milan, engaged in the capacity of a menial servant, a man named Bartholomew Bergami; that she had immediately after that time, committed disgraceful and unbecoming familiarities with that person; that she had raised him in her household, and loaded him with honours; that she had placed several members of his family in various situations of honor and rank about her person; and that she had afterwards carried on, for a considerable period, an adulterous intercourse with him. That was the head of the charges against the Queen, as contained in the preamble of the Bill; and it was his duty to ask their lordships if that charge had not been substantially made out in evidence. He must now beg leave to carry back their lordships' attention

in point of time to what was done by her Majesty when she first set out from Milan to Naples. He thought it right, for the sake of perspicuity, to take up the subject at the time he had just mentioned, and then pursue it from that period up to the latest time that the Queen's conduct had been mentioned in evidence. It appeared, from the evidence before their lordships, that her Majesty took Bergami into her service as a courier, at Milan, in the year 1814; he had previously lived in a menial situation with General Pino, his wages then being three livres a day. It was also stated by the witness, that for the first fortnight after the Queen took Bergami into her service he waited behind her Majesty's table. At that time a youth, of whom their lordships had heard, named William Austin, was in the constant habit of sleeping in her Majesty's apartment; but the Queen gave directions when she set out from Milan, that another bed-room should in future be provided for him, as he was advancing to a period in life when it would be unfit for him to sleep any longer in the chamber she occupied. A separate apartment was accordingly provided for Austin on the arrival of the Queen at Naples. When her Majesty arrived there, she slept at a country house. On the night after her arrival at Naples the Queen went to the opera. It was here most material for their lordships to attend throughout to all the relative situations of the Queen's bed-room and Bergami's, who was then her courier. At Naples, the communication between them was of this kind. There was a private passage, which terminated at one side in a cabinet, that led to Bergami's sleeping-room; while on the other side of the same passage was the bed-room of the Queen; so that the occupant of either one or the other room could traverse this passage without interruption, for the passage had no communication with any other apartments than the two he had mentioned. The witness, their lordships would recollect, had stated, that on the evening upon which her Majesty went to the opera at Naples, she returned home at a very early hour, and went from her apartment into the cabinet contiguous to Bergami's. That she soon returned to her own room, where her female attendant was in waiting, and gave strict orders that young Austin should not be

admitted into her room that night. The manner and conduct of the Queen upon that occasion attracted the notice of the servant, who, excited by what she had noticed on the preceding night, examined the state of the beds on the following morning. And what was the result of that examination? She had stated that the small travelling bed had not been slept upon at all on that night, but that the larger bed had the impression of being slept in by two persons; and she further said, in answer to a question from one of their lordships, which could not be evaded, that she had also observed in the bed two marks of a description which but too clearly indicated what had passed there in the course of the night. He had indeed heard that none of the witnesses had deposed before their lordships to the actual fact of adultery; but to such an assertion he would reply, that if those facts were true, no person of rational mind could doubt that on that night the adulterous intercourse was commenced which formed the subject of the present unhappy investigation. Upon the sort of proof required in cases of adultery, he should merely observe, that he did not recollect a single instance, in cases of adultery, where the actual fact was fully proved in evidence. The crime was always to be inferred from accompanying circumstances, which left no doubt of the fact upon the mind of a rational and intelligent man. On this point of proof he would beg leave to quote the opinion of one of the most enlightened judges that ever sat in this country. He had received this opinion from one of his learned friends, who had taken notes of it at the time it was pronounced by the learned judge. It was in the case of *Loveden v. Loveden*, before Sir William Scott, in the Consistory Court, in the year 1809. The learned judge then stated, that there was no necessity in a case of that nature to prove the actual fact of the adultery, for that could not be proved in ninety-nine cases out of a hundred, where there was still no doubt of its having taking place. The uniform rule was, that where facts were proved which directly led to the conclusion that the act of adultery had been committed, such proof must be taken as sufficient. Now let the house for a moment look at the case in this light:—Suppose an adulterous intercourse really to have existed, how would that

intercourse have manifested itself? How but from the habitual conduct of the parties? To screen such an intimacy from the eyes of attendants was impossible; and let their lordships direct their attention to the scenes which had been constantly occurring—to the scenes which in continued detail, had been described by the witnesses. Their lordships would remember the ball which took place at the house upon the sea-shore while the Princess was at Naples. To that ball her Royal Highness went, accompanied only (for the purpose of dressing and preparation) by the waiting-maid Dumont, and by Bergami; two apartments, a dressing-room, and an anti room being allotted to her use. For her first character, that of a Neapolitan peasant, the Princess was dressed by the waiting-maid; she went into the ball-room, stayed a short time, returned for the purpose of changing her dress, and did change it entirely; the chamber-maid all the while being left in the anti-room, and the courier being in her dressing-room during the operation. Now the house could not but have noticed the style of Mr. Williams's cross-examination as to that transaction. The witness had merely been asked whether there were not persons of rank and consideration in the ball-room below. But it had been said that, even admitting all these facts, they did not amount to evidence of adultery. Could any man look at a Princess, locked up in her bed-room for nearly an hour, and changing her dress with the assistance of her courier, and entertain any doubt upon the subject? The thing did not stop there; there was another change of dress; her Royal Highness assumed the character of a Turkish lady; and in that character, for the second time, went down stairs arm in arm with this courier, this common footman, this man accustomed to wait behind her chair; and what happened then? Why, almost instantly, the courier returned. (The Solicitor-General then repeated the other heads of Majocchi's testimony.) All this, however, rested upon the testimony of Majocchi, who was, of course, a witness unworthy of belief. That witness had been cross-examined once, twice, and because Carlton-house had somehow been introduced, he had just now been cross-examined for the third time: he (the Solicitor-General) had attended

most diligently to the first cross-examination; he had since read the evidence as it appeared upon the minutes; and he did declare that, as it appeared to him, during a cross-examination of seven hours, extending over a period of three years, and going through a variety of complicated facts, in no one instance had that witness been betrayed into inconsistency. Certainly the witness had repeatedly used the phrase (perhaps of equivocal import;) "I do not remember;" and the changes which had been rung upon that circumstance might produce an impression upon low minds, although it could produce none upon the minds of their lordships. But it was impossible not to perceive the artifice—the let us have a few more "non mi ricordos;" and it was equally impossible not to perceive that to the questions proposed the witness could return no other answer. The learned counsel then recapitulated the evidence of Gaetano Paturzo, which he contended was calculated to make a deep and lasting impression. Before he quitted Naples he begged to allude to what had taken place at the Theatre of Saint Carlos. The wife of the heir apparent of the throne of Great Britain, at that time holding the supreme government of the country, having about her a suite of ladies and gentlemen, was desirous of going in private. Surely she might have selected some respectable person of her suite, some respectable inhabitant of Naples, some proper and decent companion, without materially infringing upon the privacy of the transaction; but she chose her chambermaid and her courier. It was a rainy night; dark, gloomy, and tempestuous; a hired carriage was drawn up at a private door at the bottom of the garden; they traversed the terrace, the garden; got into the hired carriage at the private door, proceeded to the theatre, and there met with such a reception as obliged them to retreat and return home. To what conclusion did this occurrence lead the mind of every man acquainted with such transactions. He next adverted to the occurrences at Genoa, where the chamber of Bergami was again immediately contiguous to that of the Princess, and where numerous instances occurred, clearly demonstrating the familiarity which subsisted between them. There too she became surrounded with the family of her favourite, and received

his child, his mother, and his sister, into her suite. To another point.—It appeared that the Princess, while at Genoa, had gone to look at a house in a secluded spot, and at some distance from the city. What was the recommendation of that house? That it was far from Genoa; far from the English. Let their lordships look to the evidence of Saocchi, and they would find—what? Why, that during the whole of the journey through Germany and through the Tyrol, the greatest anxiety had been shown by her Royal Highness to avoid the English upon every occasion: the first question to be put on arriving at any place was, whether English of rank were at hand? If that question was answered in the affirmative, the party proceeded to other quarters. From Genoa, being joined by Lady Charlotte Campbell, the Princess proceeded to Milan. Lady Charlotte Campbell, however, did not travel with her Royal Highness, and shortly after quitted her altogether; from which time no English lady of rank or station remained in her suite. A lady of honor was then it appeared to be procured at Milan. And who had been chosen to fill that situation? The sister of Bergami. No foreigner of rank; no English lady of respectability; but the sister of Bergami, the Countess of Oldi. Was that lady in any way fitted for the office? The Princess spoke little Italian: the Countess spoke only the Italian of the lower orders, and no French. They were so situated, that little communication, and no conversation, could take place between them. It was upon these facts, which had been called trifling by the other side, but which he did not look upon as trifling; it was upon those incidental facts—facts which could not be invented or exaggerated by witnesses, that the learned gentleman relied for confirmation of his case; and those persons must wilfully shut their eyes against conviction, whose inferences and conclusions were other than his own. These facts were followed by others, not less conclusive. There was one circumstance of the gold chain at Venice—and the still more prominent fact of Dumont having actually seen Bergami pass through her chamber into the room of the Princess. In cases like the present every thing was to be inferred from the general conduct of the parties; and it had been clearly shown

that the Princess and Bergami were constantly conducting themselves like lovers, or like man and wife during the day, while every preparation was made to prevent the interruption of their intercourse during the night. The familiarities at the Villa d'Este were not spoken of by one, two, or three witnesses, but by such a body of testimony as set doubt at defiance. Walking arm in arm in the gardens, alone in a canoe upon the lake—embracing and kissing each other—where such intimacies were proved even between persons in an equal rank of life, accompanied by a constant anxiety for access to the bed-chamber of each other, no court could refuse to draw the inference that adultery had been committed. To go through the whole series of evidence would only be to fatigue the House: but what would be said to the testimony of Ragazzoni with respect to the statues, to the figures of Adam and Eve? He remembered that in the very case upon which he had already stated to the House the judgment of Sir William Scott—in that very case a letter had been produced written by the lady to her lover, in which she related some circumstances of an indecent nature. To that letter, as evidence, the learned judge had most particularly adverted; saying, that no woman would have so written to a man unless an adulterous intercourse had taken place between them. That observation applied most fully to the case in point. Her Royal Highness went subsequently to Catania, and he begged to call their lordships attention to what passed there, because it was most important. There was a particular arrangement of apartments, which in consequence of the indisposition of Bergami, was afterwards altered. Her Royal Highness slept in the room adjoining that of Mademoiselle Dumont and her sister, Marietta Bron, and on the other side of that room slept the Countess of Oldi. Bergami being ill, he was put into the room previously occupied by the Countess of Oldi, and the Countess was placed in the apartment of her Royal Highness. It would be seen, therefore, that up to this period Dumont and her sister slept between the apartment occupied by Bergami and that allotted to her Royal Highness. They were in the habit of going to breakfast about nine o'clock; the door which communicated with their room was sometimes open, sometimes

closed; but on one particular morning, happening to remain beyond the usual time (to the best of her recollection, her sister being present,) about the hour of ten, her Royal Highness, carrying the pillows on which she was accustomed to sleep, came out of the room of Bergami. She saw Dumont—she eyed her, and passed into her own room, contrary to her usual custom, without saying anything. He believed that no questions were put as to that part of the case by the learned counsel on the other side; but their lordships, in the discharge of that important duty, which had been cast upon them, thought it necessary that some questions should be asked, to ascertain whether a large portion of time had not been passed by her Royal Highness in the bed-room of Bergami. Their lordships asked, whether Dumont had quitted the room that morning? To which she answered, that she had not. How long had she been awake? She answered two hours. Whether, during that time, her Royal Highness passed through the room? Her answer was, no. Then the inference was, that certainly for two hours her Royal Highness had been in the bed-room of the courier. When he stated this fact, he was aware that it would be again said, that it depended on the evidence of Dumont, and therefore it became necessary, as much of what he had to introduce rested on her credit, fortified and supported as it was by corroborative statements, to say a word or two with respect to what had been thrown out on the other side, for the purpose of impeaching her testimony. The learned counsel then ingeniously commented on the letters which had been produced on the cross-examination of Dumont, and contended that they were clearly written by her, not in sincerity, but for the purpose of meeting the eye of the Princess and Bergami, with a view to promote the interests of her sister. If what the counsel on the other side were saying was correct—if there were no ground for casting an imputation on the character of her Royal Highness—if there were nothing mysterious in the conduct of this courier—if Bergami were advanced in the service, solely on account of his merits, and the respect he bore to an honourable mistress—if such were his situation, and the character of his connection, that was the inevitable conclusion to

which it led? Could there be a more desirable witness than that man himself, to contradict the testimony of Dumont? She spoke of his conduct when the three parties only were present; not on one occasion, but many. If the connection of Bergami with her Royal Highness were such as was alleged in the bill, he certainly could not appear at their lordships' bar; but, if it were a pure connection, unallied by those circumstances which he (the Solicitor-General) had stated, why was he not opposed to this witness? Why was he not brought forward to contradict Dumont—to show that a base attack was made on the character and honour of the most amiable Princess in the world—to prove that Dumont had been falsely accusing her Royal Highness with crimes that were never committed? Having made those observations on the statement of his learned friend, relative to the testimony of this witness, he called on their lordships to consider the whole of the evidence, to take all the story together and to see whether she was ultimately contradicted in any point that could destroy the inference to which her testimony must evidently lead. He asked of their lordships to mark the evidence on both sides, and to mark how the case then stood. At Milan this man had been employed as a courier in General Pino's service. He afterwards was admitted to the same rank in her Royal Highness's household. But in the course of a few months he became her Royal Highness's equerry, then her chamberlain, then, by her inducement, knight of Malta, then Baron de la Franchini, then knight of the Holy Sepulchre at Jerusalem, and then Grand Master of the order which her Royal Highness herself created. They would find him also possessed of a considerable property at the very gates of Milan. The man who had been a few years before living in a prison (for what reason he knew not), who had received three lives a day from General Pino—they found this man suddenly covered with orders and honours. For what cause? for what service? for what talents? He asked this because, when their lordships considered it together with the other facts, it strengthened and confirmed the statement of the witnesses, and made it almost impossible to adduce any other cause for the extraordinary love which her Royal Highness manifested

towards this man, but that which was alleged. But to proceed. A vessel was hired for the purpose of making a long voyage, and her Royal Highness went on board at Augusta. (The Solicitor General here repeated the evidence relative to the transactions on board the polacre.) Here were five witnesses speaking of what passed on board the polacre—deposing to circumstances that took place in the presence of a person who was in the suite of her Royal Highness at the time, and who was still in her service. Why, then, were they not contradicted? As the case now stood, had he not stated sufficient to convince their lordships' minds of what was passing, at that important period, between those parties? The learned gentleman now recapitulated the remainder of the evidence, adverting to the licentiousness which marked the proceedings at the Barona; the dance of the man, Mahomed; the midnight occurrences at Charnitz, where Dumont was driven from her Royal Highness's chamber to make way for Bergami; the events at Carlsruhe; and the subsequent transactions at Baden, Vienna, and Trieste: at which latter place Bergami was seen coming out of his own room in his drawers and slippers, and going into that of the Countess of Oldi, which had a communication with the chamber of the Princess. All those facts proved an adulterous intercourse at that period, and by circumstances too, which mutually confirmed each other. He would now call their lordships' recollection to the evidence of two witnesses—the last that were called before them—he meant Rastelli and Sacchi. (He here re-stated their evidence, and contended with great force that they confirmed in every particular the testimony of those persons who had gone before them.)

The Earl of LAUDERDALE rose to propose that the counsel for her Majesty should be asked whether it was now their intention to open the case for the defence, or to ask the delay which had been agreed to.

DIVORCE CLAUSE.

Lord LONSDALE in this stage of the proceedings conceived that it was not improper to remind a noble lord near him (Lord Liverpool) of observations he had made on a former occa-

sion, respecting one of the provisions of this Bill, and to ask that noble lord what determination he had come to on that subject. His own feelings, he admitted, and he believed the feelings of many of their lordships, were, that it was extremely desirable to separate the two provisions of degradation and divorce in the Bill. His impression was—an impression in which a large proportion of that House concurred with him, he believed—that the conclusion which their lordships should come to in the Bill ought to be conformable to the evidence alone given at the bar. Where an offence was charged, there should be no aggravation proposed in the punishment. The measure of the punishment ought rather to fall short of the offence. He therefore hoped the noble lord would state whether there was any determination to withdraw the clause of divorce.

The Earl of LIVERPOOL said, that it was utterly impossible that any alteration should be made in the Bill till the whole case was closed, till the question of the second reading was disposed of, and the Bill should be committed. What he had stated, on occasion of discussing the motion of a noble baron, was stated in consequence of imputations thrown out respecting the provision alluded to in the bill, and insinuations made not only in that house, but elsewhere, that divorce was the object of the bill. He had disclaimed that that had been the object of the Bill; he had then stated the object of the Bill to be public justice; he had then stated the object of the Bill to be to uphold the honour of the country, and not to relieve the illustrious individual at the head of the state. He had then stated that it might be made a separate proposition, and it was open to the House to deal with that as they might think proper. He could now most distinctly say, that the illustrious individual alluded to had no wish whatever that the Bill should operate as a measure of personal relief. He (Lord Liverpool) had introduced the provision of divorce as a plain and fair inference from the other provision of degradation, if that were made out. If, however, a strong feeling existed in the house or in the country, founded on religious considerations, against this provision, he was perfectly willing to withdraw it. He

wished to confine himself to those observations—he wished to set the illustrious individual right on this subject. The illustrious individual did not wish for it as a measure of personal relief. (Hear, hear.)

Earl GREY agreed with what the noble earl had stated respecting the propriety of preserving their judgments unbiassed till they could come to a full decision, when the whole case should be closed. When he therefore stated any thing hypothetically, he hoped he would not be understood as prejudging on the one side or the other. A more unseasonable proposition than that suggested by the noble lord, who first spoke on the other side, he had never heard. No answer that the noble earl (Liverpool) could have given could have the effect of warranting such a proposition. (Hear, hear.) It seemed to him to be a proposition to restrain the counsel at the bar within certain limits in their defence. The clause alluded to in the Bill could be considered only when the whole case was closed, and the Bill came under consideration in a committee. Now it was impossible that any alteration whatever could be proposed or made. The defence was, therefore to be directed against the whole of the Bill, as it stood at present. It was not only a Bill of Pains and Penalties, but a Bill of Divorce. That was the state of the Bill now before their lordships; and to that extent it was the duty of the counsel to direct the evidence for the defence.

Earl GREY explained. He had understood his lordship's object to have been that counsel should be instructed not to make any defence against the clause of divorce.

The Earl of LIVERPOOL said he had put no such construction on the noble lord's meaning. He had only conceived the noble lord to have put a question to him before the counsel should be called on to state the course they proposed to pursue.

Earl GREY begged the noble lord's pardon, for he had misunderstood his object.

THE QUEEN'S DEFENCE.

The LORD-CHANCELLOR (to Mr. Brougham.)—I understand it to be the wish of the House to ask you how you propose to proceed? whether

you propose to proceed to state the defence now, or to take the delay agreed to be allowed?

Mr. BROUGHAM.—Amid the new and accumulating difficulties which, every step we proceed, are rising around us—even now we are met with a new bill. (Order, order.)

The LORD-CHANCELLOR.—When counsel are ordered to withdraw, they are understood to be precluded from making any observations on what takes place in the House. If the counsel act otherwise, the order for withdrawing must be enforced, and you will understand now that it is the pleasure of the House that you make no observation on what has been said by any of the lords. You are asked a question, and you are to confine yourself to the answering of that question.

Mr. BROUGHAM.—I cannot say "Yea," or "Nay," to that question. I tell what I ask; I speak not of justice, but what I trust your lordships will in compassion concede.

The LORD-CHANCELLOR.—Mr. Brougham, this house does nothing in compassion. That is a mode of address which you ought not to use.

Mr. BROUGHAM.—Then I make no appeal to the compassion of your lordships. I thought that an appeal to your mercy was the more respectful mode of presenting to you the request I had to make, and therefore I used that mode of address. But now I stand on my right. After the great mass of evidence which has been produced, I throw myself on the justice of your lordships. I, not having had weeks and months beforehand to make myself acquainted with the details, as the counsel on the other side have had, cannot be expected all at once to be prepared with an answer to the case on the other side; I therefore ask till to-morrow to answer your lordships' question; and if your lordships would meet at twelve instead of ten, that would give two hours of time for consideration.

From further questions, it was collected that Mr. Brougham wished, as was consistent with the proceedings at Nisi Prius, to make his speech of defence, and to reserve to himself the right, after that speech was made, of declaring whether he would call witnesses or not.

The Earl of LIVERPOOL thought that to-morrow the question ought to

he put, "Whether the application of the counsel of the Queen continued the same as it had been to-day?" If, however, it turned out to be that he wished to go through his case, or that he wished for an adjournment to a future period, his lordship was of opinion that neither request ought, in justice, to be refused. If, on the other hand, a middle course were suggested, which would leave the counsel at liberty either to call his witnesses immediately, or to delay them until a future occasion, that would be a point requiring very considerable deliberation.

The Earl of ROSSLYN did not conceive that the learned counsel had made the latter proposition in the form of an application. He only said that until the end of his speech he ought not to be called upon to make his option.

Adjourned till half-past eleven to-morrow.

FRIDAY, September 8th.

The LORD-CHANCELLOR informed Mr. Brougham, that he had been commanded by the House to ask in what manner the counsel for her Majesty intended to proceed in her defence?

Mr. BROUGHAM said, it is our wish to proceed forthwith.

The LORD-CHANCELLOR asked if the counsel meant by proceeding forthwith, to open the case then, and to follow it up by producing evidence, or did they mean merely to open the case, and afterwards pray time to procure evidence?

Mr. BROUGHAM said, that there were two cases with respect to evidence, by either of which they might subsequently see cause to guide the defence. The first was, whether they would call any evidence whatever; the second, they might be able immediately to produce part of their evidence, but yet they might require time to bring over other witnesses. He entreated the indulgence of the House, after having been thrown by their decisions into a situation of such great perplexity, that he might be allowed to proceed with the defence, and not be asked any question as to his determination of bringing evidence or continuing the defence to its conclusion in that stage of the proceeding.

Counsel were ordered to withdraw. Lord ERSKINE wished to tell the House why he would recommend their

lordships to yield forthwith to the request of the Queen's Attorney-General. He had much experience in his time in other courts. He had never understood that a counsel was bound before he commenced his defence, to state the condition of his case with respect to evidence. He had often known questions to be asked by judges upon that point, and an answer refused. The reason why the courts allowed this seeming breach of courtesy was plain. A counsel rising for the defence might be unsettled in his own mind as to calling evidence. He might wait till he had tried what would be the effect of his address on the minds of the jury; he might be induced afterwards either to call evidence or trust to the effect of his observations; or he might have determined not to call witnesses, and afterwards might find it necessary to alter his resolution for the sake of strengthening his case. In the proceeding before the House, he wished in all cases, where it was practicable, to assimilate to the lower courts. Let their lordships examine with him what was the practice of those courts in reference to the point in question. The prosecutor had the power in those courts of deciding on the time in which he might choose the case to come on. If he was not ready on the time first appointed, the court was always ready, on sufficient cause being shewn, to put off the trial till the next convenient period. But when all obstacles were removed, and the trial had begun, it was then too late to stop; go on he must, whatever reasons might be pleaded for that purpose. The defendant in those courts was equally bound to go on, and proceed with his case to the conclusion. And why was he so bound? Because such was the precision with which the charges were stated in the declaration or indictment, that the defendant could not but be prepared to meet the charges, as far as previous knowledge of the circumstances and places would conduce to that effect. If afterwards it could be proved by the defendant that he had not received sufficiently clear intimation of the nature of the charges, and of the time when they were committed, to allow him fair opportunity of confuting the accusation—if he could prove this, and shew a reasonable probability that he might have confuted the accusation, had he been allowed that pre-

liniary knowledge which the law required that he should have, he would, in all probability, succeed in setting the verdict obtained against him aside. This was the spirit of the law of England, which he recommended to their lordships' imitation, because it was a law of humanity and mercy. He would have them more especially, as they professed to do it, imitate the practice of the courts.

The Earl of LAUDERDALE expatiated on the impropriety and inconveniencies likely to result from granting the request, and was, therefore, adverse to acceding to the proposition of her Majesty's counsel.

The LORD-CHANCELLOR said, that when a counsel opened his case, he thereby gave a pledge to the court that he was ready to call his witnesses immediately after, and to close it in whatever way it should direct, and that the law did not admit of any reliance being placed on the discretion of counsel; and therefore declared on his honour as a peer, and his faith as a man, he could not conscientiously give his assent to the application of her Majesty's counsel.

Earl GREY thought that some misapprehension existed as to the nature of the proposition made by her Majesty's counsel. As he understood it, the object of it was, not that they might have the option of suspending the defence, either after their opening statement, or after examining some of the witnesses on their side, but to have the privilege of suspending it in the former particular only. The latter request could not, he thought, be refused either in justice or humanity, but he was very doubtful whether he could vote for the other.

Lord LIVERPOOL.—If the advantages in the case were equal, he would most readily allow her Majesty to have the benefit of what was now asked; but the injustice would be so monstrous, if the Queen's counsel were allowed to state their case now, and call their evidence at another period, that he could not for one moment accede to such a proposition. It had been again stated by the noble earl who spoke last, that the present inconvenience arose entirely from the course of the proceeding taken on the part of his Majesty's government. His lordship would now, as he would always, repel that attack on his Majesty's

government. Towards the accused no course could be more advantageous than the present. The noble earl who spoke last, would have adopted the course of impeachment; but what fresh difficulties and dangers would have encircled her Majesty, if that had been the case? No precise specification of the charge would be made: the evidence, would not be upon oath, and fresh and amended charges might be brought forward every day. In the present course, however, a specification of the charge had taken place with as much precision as possible; for the very individual with whom the adultery was charged to have been committed, was pointed out: and in this House, the testimony was given on oath, affording an opportunity to the accused of cross-examining the witnesses, an advantage which the rules of the other House did not admit of. Upon the whole, his lordship conceived, that if the House allowed the Queen's counsel to break off in the middle of his case, they would permit him to enjoy a most partial and unequal advantage, which was refused to the counsel for the Bill, and their lordships would be guilty of an act of flagrant injustice.

Lord LANSDOWN did not precisely know what motion was before the House, and he requested the Lord-Chancellor to give some information about it.

The LORD-CHANCELLOR.—The motion is this—That counsel be called in and be informed, that if they now proceed to state their case, they must, on their closing that statement, if they mean to adduce proofs, that they must go on with them; but if not, that the House now adjourn for such reasonable time before the case is stated, that the counsel for her Majesty shall propose, in order for them to proceed.

Lord LANSDOWN said, that although he was not so well acquainted with the course of proceeding in the courts below, yet, as far as he knew any thing of the practice, this was the most unusual course of proceeding ever adopted in any court of judicature whatever. He would say that, if in answer to that communication, the learned counsel at the bar should state that he would enter into no such case, but that he would reserve himself open for his client to make such an application as she should think fit, at the time, and under the circumstances,

of the case, according as the necessity shall arise, the counsel will do no more than the duty which he owes to his client, and he believed that no counsel who had ever appeared at their lordships' bar, would feel bound to enter into an engagement such as that proposed; for a more extraordinary proceeding in a court of justice, he never knew or heard of (hear). That court of justice itself interrupting the course of its own proceedings,—(hear, hear) for the purpose of entering into a treaty,—(hear, hear, hear) and concluding a treaty with counsel at the bar. This, my lords, is the most extraordinary proceeding that ever appeared before any court of justice. For what was it that was proposed to be done? Why, it was, that the learned counsel at the bar should be called on, he being ready to proceed, who states, that he is ready to proceed, and who has a right to proceed.—(Hear, hear.) That, in the state the case is in, he shall be told, "you shall not proceed unless you will undertake in no case whatever, and under no circumstances whatever, not knowing what the bearing of the evidence will be on the case, with which you are entrusted, you shall undertake to make no application to this House—(loud cries of "hear,") in whatever situation you may be placed." The House then says for itself, "We, on the other hand, in return for this concession which we demand from you, will undertake to bind ourselves; and say what you will, let what circumstances will arise, let the varying forms of justice, as arising out of the state of the case, be what they may, we will bind ourselves to listen to no circumstances (hear, hear, hear); to shut ourselves up, to close our ears to the cause of justice which ever way it presents itself, and bind ourselves by this most extraordinary treaty publicly between the Queen's judges and the counsel at the bar. (Hear, hear.) The noble marquis then proceeded to say, that they had heard too much of this case before them, and which he thought was against the character of the crown. It was a proceeding which had been the subject of much sorrow to every reflecting mind as well as regret. As to any thing like a treaty or contract, or any thing like a protocol sort of proceeding between the judges of this House and the counsel at the bar, he should for one most

strongly protest against it. (Hear, hear, hear.) He protested for one, under a deep sense of his duty, from being bound by any such intepcion. He for one would not call on counsel at the bar to do that which in his conscience he believed would betray the interests of his client. (Hear, hear.)

Lord CALTHORP expressed his opinion, that on all occasions the practice of courts of justice ought as much as possible to be adhered to. He thought that the House deviated in some respects from the strict rules of the courts, particularly in the great latitude of the examination they allowed to the counsel for her Majesty—that indulgence was however granted to them as an equivalent for refusing the list of witnesses; and considering how sparingly counsel availed themselves of that power, it appeared to him that the House ought not to withhold that indulgence, the high character of her Majesty's Attorney-General was a guarantee that he would not abuse the indulgence.

Lord REDESDALE was of opinion that they ought in the first instance to have proceeded by impeachment, but he felt bound to oppose the motion; because, the object it had in view was impracticable, and it would establish a precedent most mischievous.

Lord DARNLEY considered that in point of public justice they ought to allow her Majesty's counsel to state their case and to examine the witnesses now within their reach; and then to adjourn until the remainder of their witnesses should arrive.

The LORD-CHANCELLOR then put the question, whether the adjournment which may be required for bringing up her Majesty witnesses shall take place before counsel have stated her case, or afterwards. It was decided, on a division, that counsel must either adjourn that defence altogether at present; or if not, must go into evidence immediately on closing their statement—by a majority of 160 to 65.—Counsel were then called in, and informed of the resolution to which the House had come.

Mr. BROUGHAM now begged to be permitted to comment upon the evidence which had been laid before the House, pledging himself to abstain from any allusion whatever to the evidence which he might or might not think it necessary to adduce.

The LORD-CHANCELLOR thought such an indulgence incompatible with the resolution to which the House had just come.

Lord ERSKINE differed with the noble lord, and moved a resolution for agreeing to the proposition of the learned counsel.

The question was put, and the House divided—Contents, 49—Non Contents, 170.—Majority, 121.

Counsel being again called in, and informed that the request of Mr. Brougham had been refused,

Mr. BROUGHAM begged to be permitted to have till to-morrow to consider of his final determination.

Adjourned.

SATURDAY, September 9th.

The LORD - CHANCELLOR—

Mr. Brougham, the House are desirous of knowing at what time it will be most convenient for you to go into the case of her Majesty?

Mr. BROUGHAM.—My lords: her Majesty's counsel being most willing to give the House a full and satisfactory answer to that question, thought it their duty to wait upon her Majesty last night, and, in concurrence with the opinion of my learned friend, Mr. Williams, who, in consequence of his own professional duty, has been obliged to leave town for York, we have come to a determination upon the subject, which we trust will meet your lordships' convenience. The decision which your lordships came to yesterday, namely, not to allow any commentary in this stage of the proceeding upon the evidence adduced in support of the Bill, was communicated to her Majesty. We then received her Majesty's commands to inform your lordships, that we shall be ready to proceed as speedily as possible to answer the case made out for the Bill, and to tender evidence in defence of her Majesty; but as this will require a few days preparation, and as that task will devolve to one of her Majesty's advisers, in a different branch of the profession, probably your lordships will grant a short delay for that purpose. Her Majesty's anxiety to proceed in her defence, continues not only unabated, but is rather more increased by some of the proofs against her, and looking to that very natural, and I shall take leave to add, that praise-

worthy feeling, my learned friends and myself are desirous that the delay should be as short as possible. I rather exceed than fall short of the limits her Majesty has been pleased to assign to our request, when I ask your lordships to allow us to about Monday fortnight for that purpose.

Lord LIVERPOOL rose and said, he could not possibly conceive that any difference of opinion could arise in the House as to the nature of the application made by the learned counsel at the bar, because in his judgment the time for beginning her Majesty's defence ought to be left entirely to the discretion of her Majesty's counsel. No personal inconvenience to the members of the House, individually or collectively, ought to influence their lordships upon the question now proposed, and he trusted that it would be received with unanimity.

Lord DARNLEY said he concurred with the noble earl, that the learned counsel had a perfect right to fix any day most convenient for them to go into the defence of their illustrious client; but if he understood the learned counsel rightly, he had not announced any definite or precise day when he proposed to open the case of her Majesty, for he had used the words "at or about, or somewhere about Monday fortnight." He should therefore hope that the learned counsel would fix the latest day, if he conveniently could, without detriment to her Majesty's interests, at which the proceedings in this solemn inquiry were to be resumed. It would not become his lordship to suggest any particular day, but it was desirable that her Majesty's counsel should name precisely the latest day, when it would be most convenient for them positively to proceed in the defence. This arrangement would remove all doubt or confusion upon the subject.

Lord GREY agreed with his noble friend who spoke last, and with the noble earl who preceded him, that the House was bound to attend to the convenience of her Majesty's counsel as to the time when they should be prepared to enter into her Majesty's defence; but as it had been stated by the learned counsel at the bar, that he should be prepared by Monday fortnight, he hoped he should not be considered as in any degree interfering with the discretion which the learned

counsel had exercised, by observing that it would be utterly impossible for members, who, like himself, resided at a great distance from the metropolis, to bestow that attention which was due to their family and domestic affairs, which had been so long neglected, in the short interval of delay proposed. To himself such a delay would be pregnant with the greatest possible inconvenience. He only hoped, that as the learned counsel would be prepared by Monday fortnight, there would be no objection to a much longer delay; which would, in some degree, alleviate the inconvenience to which he alluded. Even noble lords, resident near the metropolis, could not be insensible to the disadvantage which their private and domestic affairs laboured under, in being absent from their families at this period of the year (hear, hear); but to those who resided at a distance the mischief was incalculable. Matters even of public as well as a private nature, demanded their presence in the country; and taking these circumstances into consideration, he did hope that a much later day than Monday fortnight would be proposed for resuming the proceedings (hear, hear, hear).

Lord LIVERPOOL apologised for again trespassing on the attention of the House. His opinion undoubtedly was, that the House ought to be governed entirely by the wishes of the learned counsel; but, if personal convenience ought to have any weight at all upon the question, and an adjournment for a few days longer than the period proposed was thought desirable, he should be the last man to interpose any objection. His own personal objection was out of the case. If, however, there was any peer in the house whose personal convenience ought to be attended to, it was that of the noble and learned lord on the woolsack, whose judicial situation, and his duties in this house, literally occupied the whole of his time from one end of the year to the other, with the exception of the period when the House was not engaged in business of this description. He really did think that if personal convenience was to have any weight, it was that of his noble and learned friend, which ought to influence their decision (loud cheers), in order that he might have an opportunity of recruiting his health. His time of life

was a matter which should also be taken into consideration. (Hear, hear.)

The LORD-CHANCELLOR expressed his gratitude for the very flattering manner in which his name was mentioned, and the manner in which it was received. He felt it his bounden duty to declare that no consideration of personal convenience should weigh with him in the discharge of his present painful duty. So long as it was in his power he should continue to discharge that duty to the last, however disagreeable. (Hear, hear.)

Lord ROSEBERRY thought the request of her Majesty's counsel ought to be the rule to govern the House; but if a delay of three weeks would not interfere with their arrangements, probably it would be acceptable.

The Marquis of LANSDOWN said, that unless it was a matter of indifference to her Majesty's counsel, the house ought not to exceed the time they had prescribed.

Lord LAUDERDALE reminded the House that the learned counsel had told their lordships, that in naming Monday fortnight, they had exceeded her Majesty's wishes. Personal inconvenience ought to have no weight with the House, and he therefore objected to a farther postponement, in consequence of what had been stated by the learned counsel.

Lord HARROWBY observed, that as the learned counsel had not stated with precision the very day on which he should be prepared, it was desirable that the house should not separate without some certainty upon the subject.

Lord GREY proposed that the counsel should be asked if they would be ready next Monday, and intimated that if their answer was in the affirmative, he should move that that be the day for proceeding on her Majesty's defence.

Lord LIVERPOOL suggested the propriety of asking the counsel what was meant by "at or about Monday fortnight."

The LORD-CHANCELLOR put the question to the learned counsel accordingly.

Mr. BROUGHAM replied, that he had used those words, because his learned friends and himself were unwilling to take upon themselves to fix the precise day, inasmuch as the convenience of her Majesty's solicitor

must be consulted in the preparation of instructions, &c. He had no objection, however, to state now, that although her Majesty was very anxious from motives, which he trusted would be duly appreciated by the House (hear! hear!) that the very earliest day should be fixed, yet he would take upon himself as one of her Majesty's law advisers, in concurrence with the learned friends near him, and more especially with the approbation of his learned friend, Mr. Vizard, her Majesty's solicitor, whose approbation on a question of this sort was of more importance, considering the part of the case which was entrusted to his care, to submit that the defence should be postponed until Monday three weeks, a delay which would suit all purposes, if it should be found convenient to the House.

Earl GREY said, that in consequence of this intimation he must apply to the House for permission to absent himself on account of urgent private affairs.

Lord MELVILLE thought a postponement of three weeks more objectionable than a fortnight.

Lord ERSKINE said, he considered the presence of his noble friend so important in the present grave inquiry, that he should certainly oppose the application for his being absent.

After a desultory discussion of some length, in which Lord Grenville, Lord Darlington, Lord Rolle, Lord Liverpool, Lord Lauderdale, Lord Falmouth, Lord Redesdale, the Duke of Athol, and Lord Holland, took part, the question was put from the woolsack.

"That the further proceedings on this Bill be adjourned until Tuesday, the third of October:" and it was carried in the affirmative.

The LORD-CHANCELLOR asked their lordships if they had any objection that Lord J. Montague and Mr. Burrell should be examined by a commission abroad, the state of their health not permitting them to attend at their lordships' bar.

Lord LIVERPOOL was of opinion, if this request were granted, that it would be pregnant with very dangerous consequences. And now with respect to the hour of commencing and ending the proceedings, he considered their lordships would gain more by not sitting from four to five, than if they protracted their sitting to that hour. The

inconvenience of sitting so long was much felt by many of their lordships, and he wished to avoid this—by not continuing business longer than four o'clock.

The LORD-CHANCELLOR said, it was his duty to mention this subject, and he now begged to be allowed to ask at what hour their lordships wished to adjourn?

Lord ERSKINE, as we understood him, had no objection to that hour.

Lord HOLLAND wished to know, if any, and what alteration, was intended in their lordship's hour of proceeding on this important subject?

The LORD-CHANCELLOR.—Is it your lordships' pleasure, when the House meet again to proceed on this business, that counsel be called in at ten, and end at four?

The Duke of MONTROSE, having received a letter from a member of the other House, Mr. Wm. Burrell, stating the impossibility of attending at their lordships' bar from ill health, requested to know if their lordships would allow him to be examined by a commission? He understood it was the intention of the other House, when they met, to move that a commission be appointed for the examination of such witnesses as could not attend. It might be right to mention, that Mr. Burrell said, he was not aware of his having any thing very material to state.

Lord LIVERPOOL was of opinion that the statement made by Mr. Burrell, confirmed the objections he had already taken to the appointment of a commission. In certain cases, if it were done with the consent of parties, its consequences might not be very injurious. But where some witnesses might be highly important, and others not—and indeed, in either case, their lordships should deliberate well before they acceded to the request of the noble Duke. He took this occasion of submitting whether a peer absent from ill health should take an oath, or be on his honour as to his being so?

Lord ERSKINE said a few words, which were altogether inaudible.

Lord ROSSLYN considered it important to the interests of the Queen, that the indulgence prayed for should be granted.

The LORD-CHANCELLOR.—Mr. Attorney-General, I am informed that two witnesses on the part of her Majesty, Lord F. Montague and Mr. Wm.

Burrell, find it impossible to come to the bar of the House to be examined in consequence of ill health. Do you consent to their examination being taken out of this House in any form the House may think proper to adopt?

THE ATTORNEY-GENERAL.—My lords (speak out) I hardly feel myself authorized to accede to this proposition; and I rather apprehend it is matter entirely for your lordships' consideration. If your lordships consent to such an examination, I can feel no difficulty in giving my consent.

THE LORD-CHANCELLOR.—That is all the answer the Attorney-General can give.

Lord HOLLAND would not oppose the examination, but he wished to know if there existed any, and what analogy on the subject?

Lord LIVERPOOL.—I move that this House do now adjourn.

THE LORD CHANCELLOR.—Before that question is put, I beg leave to move that John Odi, Julius Cæsar Cavazi, and Joseph Visetti, be ordered to attend your lordships' bar.

Lord ROSSLYN expressed his surprise that the Attorney-General had made the House a party in this case—that learned gentleman thereby shifting that character on their lordships, in which he himself then stood. There might exist some difficulties in the case, but he considered the consent of parties would take away all that injury, which was apprehended from making this indulgence a precedent for future times. If their lordships agreed with his view of the object, he hoped they would not hesitate to grant that indulgence which might be of material importance to the illustrious party now on her defence.

THE LORD-CHANCELLOR.—There are instances, in cases of civil process, when such examinations have

been taken by consent of parties; but I know of no instance in which it has prevailed in criminal proceedings. I am not much practised, it is true, either as counsel or judge in these cases, but if any such instances exist, I believe they will be found to be extremely rare. With a view to do ample justice by the authority of an act of parliament, such examinations might take place; but even then, they should only be allowed in very grave and weighty instances. In this case the witness has a right to be examined in support of the defence, but it is impossible that this court can do justice, unless the witness himself appear before your lordships' bar. Such a proceeding should not take place unless in some important case. And here I take the liberty of saying, that the letter be read by the noble duke, does not convey to us that Mr. Burrell has anything material to state.

Lord REDESDALE, in cases of divorce, admitted that certain questions were put by this sort of examination. The India Bill also allowed examinations, but it first made it necessary to put such questions as their lordships thought proper to propose; and secondly, that such examination should take place by counsel before a judge, who was to administer all such other questions as might go to elicit the truth. There was no analogy between the India Bill and the case now before them.

THE LORD-CHANCELLOR.—The question I have now to put is—“Is it your lordships' pleasure that this House adjourn to Tuesday the third day of October next,” which was carried without a division, and their lordships adjourned to Tuesday the third of October, at ten o'clock in the morning.

HER MAJESTY'S D E F E N C E.

TUESDAY, OCTOBER 3, 1820.

THE House met this morning, in pursuance of adjournment, at ten o'clock. The interest excited in the public mind in this stage of the proceedings was intense, and before the hour of business had arrived, the space below the bar was crowded to excess. Counsel being called in,

Mr. BROUGHAM commenced his speech to the House in a low tone of voice. He spoke as follows:—"My lords, the time has now arrived when it becomes my duty to address your lordships upon this momentous of all momentous cases. It is not the august presence of this assembly which impresses me, for I have oftentimes experienced its indulgence—nor is it the novelty of this proceeding that perplexes me, for the mind gradually gets reconciled to the most extraordinary deviations from the common course of things—neither is it the magnitude of the case that oppresses me, for I am borne up and cheered by that conviction of its justice, which I share, I am persuaded, with all mankind: but, my lords, it is the very force of that conviction, the knowledge that it operates universally, and the consciousness and feeling that it operates rightly, which now dismay me, and fill me with the apprehension lest my unworthy mode of dealing with such a case, may for the first time fail me. While others have trembled for a guilty client, or been anxious in a doubtful case—have felt crippled by its weakness, chilled by the inference of guilt, or dismayed by the hostility of public opinion, I, knowing that, in the present case, guilt is no where to be found, save in the resources of perjury and falsehood, and that from the truth I have nothing

to dread, yet am I haunted with the apprehension, that my feeble discharge of the duty I have undertaken, may, for the first time, cast the case into doubt, and may turn against me, for my condemnation, those millions of your lordships' countrymen, whose jealous eyes are now watching me, and who will not fail to impute it to me, if your lordships should pronounce that judgment which the nature of the charge would extort; and I feel myself under this weight so bitterly oppressed, that I can hardly, at this moment, with all my reflection upon the indulgence your lordships have extended to me, compose my spirits to the discharge of my professional duty. It is no light addition to this feeling, that I fear, though the apprehension is at some distance, that before this proceeding shall close, it may be my unexampled lot to discharge a duty of the most painful description, but which I certainly will not enter upon if I can relieve your lordships from the necessity of having your attention called to the subject to which the performance of that duty would refer. My lords, the Princess Caroline of Brunswick arrived in this country in the year 1794. She was the niece of our Sovereign, the intended consort of his royal heir, and herself not remote in title to the crown of England: but I now go back to that period only for the purpose of passing over all the interval which elapsed between her arrival in this country and her departure from it in the year 1814. I rejoice, that, for the present, the most faithful discharge of my duty permits me to take this view of the case, but I cannot do so without pausing for an instant, to

guard myself from the misrepresentation to which this course may be exposed, and to assure your lordships solemnly, that if I did not think the case of the Queen, as attempted to be established by the evidence, not only does not require recrimination for the present—not only does not impose the necessity of one whisper by way of attack upon the conduct of her illustrious consort, but, on the contrary, prescribes to me for the present silence on this great and most painful head of the case. my detail of this period of the life of the Queen, and of her residence in this country, would not be closed. In exercising the power confided to me, and in postponing that statement of the case of which I am possessed, I feel confident I am waving a right which I have, and am abstaining from the use of materials which are mine; and let it not be thought, that if hereafter I should so far be disappointed in my estimate of the failure of the case against me as to deem it my duty to exercise that right, I shall not fail to do so. Let no man suppose, that I, or even the youngest member of the profession, would hesitate one minute, in the fair discharge of our professional duty, to resort to such a topic, if the interest of our client required it. I once before reminded your lordships, it would be unnecessary, but there are many whom I must remind, that an advocate, by his sacred connexion with his client, knows, what but one other individual in the world can know; and to promote that client at all hazards, is the highest of his duties: he must not regard the alarm, or the suffering, the torment, or even the destruction he may bring on another—nay, separating the duties of a patriot from those of an advocate, he must go on, reckless of the consequences, though his fate should be to involve his country in confusion and conflict. But, my lords, I am not reduced to this painful necessity; I feel that I have no occasion to touch that branch of the case now—nor shall I, unless some event in the course of the proceeding shall hereafter convince me that I have unhappily deceived myself. At present I feel that I do not approach that branch of the case—I assume to put the crown of innocence on the head of my illustrious client—I assume to be justified in pleading not guilty even to the charge of levities, or of improprieties,

the least and the lightest of which I stand here to deny; for the charge is foul—it is foul and false as those who have dared to utter it; and who, pretending to discharge the higher duties to God, have shewn that they know not the first of their duties to their fellow creatures. It is foul, false, and scandalous; and they know it is so, who have dared to say that improprieties have been admitted to have been proved against the Queen. I deny that any such admission has ever been made; I contend that the evidence does not prove them; I will shew you that the evidence wholly disproves them. One admission doubtless I did make; and let my learned friends who are counsel for the bill take all credit of it, for it is the only fact they have proved. I grant that her Majesty left this country, and resided in Italy;—I grant that her society in Italy was chiefly foreign;—I grant it was low society, compared to the one in which she had moved. After she was deprived of the protection she had received in this country—after the fatal events which she experienced—after having enjoyed the society of the families of many of your lordships, I do grant that she moved in a more humble sphere. The charge against her is, that she associated with Italians, instead of people of her own country; and that, instead of the peeresses of England, she sometimes associated with the Italian nobility, and sometimes with the commonalty. Who are they who bring forward this charge? Others may blame her for going abroad—others may tell tales of the consequence of leaving her among Italians, and her not associating with her own countrymen; but it is not your lordships who have a right to say so—it is not you who are to fling this at her Majesty. You are the last persons—you who presume to judge her, for you are the witnesses she must call to vindicate herself from the charge—you—you are the last persons to upbraid her, for you have been the instigators of the only admitted crime of which she is guilty. While she was here, she courteously opened the doors of her palace to the families of your lordships—she condescended to mix in the habits of familiar life with those virtuous persons who composed your families—she condescended to court your society, and as long as it suited purposes, not of hers, and was subservient to views, not of

her own—as long as it served interests in which she had no concern, she did not count the society which has been imputed to her as an offence; but when changes took place—when other views were to be taken—when that power was to be retained which had been the means of others grasping—when that desire of power, to the gratification of which she was made the victim, was to be satisfied, then it was that the doors of her palace were opened in vain—the society of peeresses was closed against her, and she was reduced to the humiliating alternative of solitude, or associating with persons of a lower rank in society. When it pleased you to reduce her to a state of humiliation, then it was she was constrained to keep the company of those beneath her, or of quitting the country. I say, then, it is not here that such a charge ought to be preferred. It is not in the presence of your lordships, I should expect, to hear any one lift his voice to complain of the Princess of Wales having lived in Italy, and associated with those whose society she ought not to have chosen, and, perhaps, would not have chosen had she been in another and happier situation. About this period an event took place which, of all others was calculated to excite her feelings;—her daughter—her much and deeply lamented daughter, was to be married, but no announcement was made to her of the projected alliance. All England was occupied with the subject. All Europe was looking on to the interest it excited. England had it announced—Europe had it announced—but the person to whom no notice was given was the mother of the bride; though all she had then done to deserve this treatment, was, that she had been proved not guilty of the charges preferred against her by one of the illustrious parties; and it appeared she had been treated with harsh and unmerited cruelty. The marriage of the Princess, her daughter, was consummated—no notice was taken of the event to the mother—she heard it accidentally by a courier who was going to announce it to the Pope—that ancient, intimate, and much valued ally of the crown of England. The prospect afforded by this union was grateful to the whole nation. It afforded a hope to the country that the marriage would prove a fruitful source of the stability

of the royal family. The whole of the period of the nuptials of the daughter passed without the slightest communication; and if the feelings of the Princess had prompted her to open one, she was in a state of anxiety and delicacy in consequence of her first pregnancy, which would have made it dangerous for her to have indulged in those feelings, placed as she was, between power and authority on the one hand, and affection and duty on the other. I lament the event which plunged the whole of England in grief—a grief in which all our foreign neighbours sympathised. With due regard to the feelings of the powers and persons with whom we were in alliance, and even of those with whom we had no alliance, the event was speedily communicated; but to the person who, of all the world, had the deepest interest in the event—that person, whose feelings, of all mankind, were most overwhelmed and stunned, was left to be overwhelmed and stunned by accidentally hearing of her daughter's death, as she had heard accidentally of her marriage; but, if she had not so heard of it by accident, she would ere long have felt it; for the decease of the Princess Charlotte was communicated to the mother by the issue of the Milan Commission; and the proceedings being again, for a third time, resorted to against her. It had been her lot always to lose her sure stay when dangers most thickened around, and by an almost miraculous coincidence, hardly was her defender withdrawn, but his loss was a signal for some new attack. Mr. Pitt, it is well known, was her early defender—he died in 1806, and but a few weeks after his death the first inquiry took place. He left a sacred legacy to Mr. Perceval, her firm, dauntless, and able advocate. No sooner had the hands of an assassin laid him low than she felt his loss in the renewal of the attacks which his skill and constancy had defeated. Mr. Whitbread then undertook her defence, and when that catastrophe, which all good men lament, unfortunately took place, again commenced the distant rumbling of the storm. It is true, it was not allowed to approach her, for, at this time, her daughter stood her friend; but, when she lost that daughter, then all that might have been expected immediately took place,—all that might have been dreaded by:

her, had she not possessed the consciousness of innocence. Her persecution was attended with pain and anxiety, because, innocent or guilty, who is there can love persecution? Who can delight in trial, especially after a former trial, and an undeniable acquittal? The whole weight of accusation burst upon her head, the operations were commenced, and as if there was to be no probability of the Queen losing a protector without some most important act in this drama being played, the very day which saw the venerable remains of our sovereign consigned to the tomb—of that sovereign, who from the first outset of the Princess's life in England, was her constant defender;—the same day was the commencement of a new proceeding against this injured Princess, a branch of his illustrious house. Why do I mention these things?—not for the purpose of making the trifling remarks that politicians are selfish—that no favours can bind base natures—that favours conferred, and the duty of gratitude neglected, only make those natures more base. Such topics would be trite. I introduce the circumstance to express my deep sense of the unworthiness with which I succeeded such powerful defenders, and my alarm, lest my exertions should fail to do what others, if they had been living, would have effected. I pray now your attention for a few moments to what has resulted from all this. It is not to the getting up of this story, or to its general features, I have to address you; but I must begin by desiring you to recollect what the evidence not only has not proved, but is likely to have discharged from your memory. I am referring to the Attorney-General's opening speech. Now he shall himself describe in his own words the plain construction of his opening speech. It is most material to direct your attention to this, for much of the argument rests on it. My learned friend did not make a general speech without proof or instruction; on the contrary, it was the transcript of that which he had before him, and the way the transcript was made I leave your lordship to determine. 'I will,' said my learned friend, and every one acquainted with his honourable nature, knows he could not do otherwise—'I will,' said he, 'conscientiously state nothing which I cannot substantiate. I will withhold nothing.' I know he spoke from his

conscience, and when I clearly see he has failed, I know there can have been but one cause of his failure, and that is, that he told what he had in his brief, but which got into his brief from the witnesses, who, with falsehood in their mouths, originally stated it. I think the sample you have had will enable you to form an estimate of the value of the evidence, not only where it comes up to my learned friend's opening, but to give a pretty good guess of that part which does not. For this purpose I will take one or two of the leading witnesses, and compare their evidence with the manner in which my learned friend opened it. In the first place he said that the evidence of the Queen's conduct would come down almost to the present time. I am stating his words from the short-hand writer's notes. Now, in point of fact, according to my learned friend, almost up to the present time means three years ago, a period almost equal to the space of time over which the other part of the evidence is spread. With respect to Naples, which is laid as the first scene of the Queen's conduct he is studiously brief, as if it was the place where the connection first commenced—as if it was there the guilty intention the Queen had been long harbouring was at length gratified. I beg your attention to the manner in which my learned friend opened his first branch of the charge, and upon which, if there should fall a stigma, it will attach to all the subsequent parts of the evidence. How does he open it? He says, "I will shew you decisive marks of two persons having slept in the bed the night she came home from the Opera. She returned," he says, "early from the Opera, went to her own room, repaired to Bergami's room, where Bergami was. The next day she was not visible till a late hour, and was inaccessible to the nobility. Every one of the circumstances rising in importance, and even the lowest of them of importance." Now it appears that every one of these circumstances is not only false, but that they are all negatived by the witnesses produced to support them. The witness Dumont gives no decisive marks to the bed; she gives a doubtful and hesitating account, with one exception, with respect to which I shall hereafter call your attention. There is nothing specific; she denies that she knew where the Queen went when she left her bed-

room; she denies that she knew where Bergami was; she says, that the next morning the Queen was up and alert by the usual time. There is not the least evidence of access being refused to any one person who called upon her. In truth, there is no evidence that any one did call. We then come to that which my learned friend opened with more than his wonted confidence and persuasion of its correctness. We know that all the rest of this statement was from the instructions in his brief. He had never been in Italy—never did he or my other learned friend give a hint that they had been in Italy, or knew what sort of a place Italy was. What were the manners of Italy. What was the nature of a masqued ball, or the Casino, or the effect of being black-balled—they indeed talked of black-balling, and the Casino; forgetting, however, the circumstance, that Colonel Browne had been black-balled, and that the Casino was the scene of the Milan Commission. "As to a masquerade," said the Attorney-General, "who ever heard of a Royal Princess, the wife of the Prince Regent of these realms, going disguised to a masquerade; or, being disguised, did not go in her state coach, with her livery servants, her laced coachman, and body servants, and attended with all the pomp, pride, and circumstance of a court or a birth-day. Instead of this," he says, "she went in her private carriage, without the royal arms, proceeding by the back door, without issuing out of the front door, with all the world a witness of her project." I really wonder he did not add, that she went to a masquerade disguised in a domino and false dress. It was therefore I said that my learned friend's statements were not, from their own knowledge, or their personal observations—and, last of all, from being present at the royal recreations of Murat's Court. They had their information from Madame Dumont or Majocchi, who have repeatedly told the same story; but which, being unfounded, they recollect what is untrue, and forget what is true. "Then," says my learned friend the Attorney-General, "leaving the witness Dumont to her general suspicions, we come to something more specific." His phrase always is, "I am instructed to state—and the witness says so and so." He states that on one occasion the dress

of the Princess was indecent and disgusting; afterwards adding, that it was most indecent, so much so that she was hooted from the public theatre. You will recollect the witness said she was in a dress exceedingly ugly, and that was all that could be got from her. She added, that ugly masks came about her, but that she was unmoved by them, for, as you well know, persons in a masquerade dress endeavour as much as possible to be disguised. She was attacked, as masks usually are, by a number of other masks—ugly masks, her own dress being of that description—for what reason is left in the dark. I should fatigue you if I was to go through the whole of the Attorney-General's opening. He stated, that at Messina the Princess and Bergami were locked up in the same chamber; but it is now reduced to this, that at Villa d'Este, the only access to Bergami's bed-room was by a way where no bed-room was. There are a number of particulars in my learned friend's speech respecting the evidence of Madame Dumont. Among others he states that she remained in an adjoining chamber to the one in which were the Princess and Bergami, and that there she heard kissing; now the witness herself says, that she only heard a whispering. With regard to Sacchi a story is told by him which I have no doubt he has often told before. I have no doubt it is in my learned friend's brief, but it is no where else. My learned friend states that Sacchi having returned from Milan found Bergami out of his own room; that he saw him come out of the Queen's room; that, observing him, he spoke to him, and that Bergami being confused, explained it by saying he had heard his child cry. Now, Sacchi, on being interrogated, negatives the whole of this precisely; he denies it as strongly as a man can deny such a story, by denying any recollection of such particulars. It was not for want of examination that he did not speak to this, for my learned friend questioned him over and over again. He then referred to what he called those disgraceful scenes which, he says, took place at the Queen's residence. He so stated them, no doubt, from their having been so represented to him: he did not tell us what they were; but they were, he said, so disgraceful, that the house in which they were transacted rather deserved the

name of a brothel than a palace; but there is the most entire failure as to the proof. Then we were told that the attendants of the Queen were shocked at her conduct—that all ranks of persons in Italy were shocked at the criminality of her proceedings: and that with respect to visiting by the nobility, the Queen's company was entirely given up, and that from the moment she left this country, all her attendants went away, and that she was treated abroad with the same neglect she was here. Now all this was open to proof—how did he happen to forget Lady Charlotte Lindsay, Lady Charlotte Campbell, Lady Finch, and the other ladies joining her at Naples. It seems, then, that after all the servants of the Queen were shocked at her conduct, Lady Charlotte Lindsay attended her Majesty. I do not suppose there was that degree of secrecy in Italy, which the witnesses state to have existed during the progress of their voyage till they came to Cotton-garden, and brought their perjuries with them. How came it that Lord and Lady Glenbervie, and other distinguished persons should have visited her, should have done so after having heard of her conduct. They are all represented as having been stunned at the impropriety and indecency of her Royal Highness; but they are proved to have afterwards joined her Majesty, some in Genoa, others at Leghorn, and to have associated with her in spite of all her open criminality. But even at a later period the Queen has been proved to have been treated abroad not with that neglect which she was stated to have experienced. She was courteously received after her return from her long voyage by the legitimate Sovereign Prince of Baden. Equally well by the more legitimate Bourbons at Palermo. Her company was courted by the legitimate heirs of the Stuarts. I call them the heirs legitimate, as contrasted with heirs of right—for they are the true legitimate heirs of the throne, at least as others call them, who do not owe allegiance, or who disguise their allegiance to the House of Brunswick—nay, a prince who may rank in point of antiquity with any of our legitimate sovereigns, the Bey of Tunis, received her Majesty in a manner suitable to her birth and rank. In the same way was she received by the

representative of the King at Constantinople. I do not mention these circumstances for the purpose of vindicating her character, but only to show that the treatment of her Majesty abroad was not as my learned friend stated. I am now to solicit your indulgence, while I look a little more internally at the base which has been thus opened, and not proved, by the Attorney-General. The first remark that must naturally strike us, is one that pervades the whole case, and is not easily answered. Is it not marvellous that such a case should be left so impossibly lame, so short, as they must admit it is, when contrasted with their opening, and so short from the manner in which they ought to have proved it, if there had been the least foundation of the charge? Was ever a case for criminal conversation brought into a court of justice under such favourable auspices? Who are your witnesses;—the very two who of all men and women must know most of the transaction, not only whether the fact of adultery was in the course of being committed, but whether it had been committed at all. I mean the body servants of the parties, the valet of the man and the lady's own maid. These are the very witnesses a counsel in common cases are desirous of having. From the form of the action they can seldom bring the man servant, or the lady's maid servant; but, if the counsel can get hold of one of them, he considers his case as proved, and that the only question is the damages. It was not on account of any want of imputing the act that these witnesses did not prove it—not from any deficiency of forethought—not from any restraint which they imposed on themselves—not that they were wary in giving their testimony. If you believe any part of their testimony, you must believe that these parties threw off all decorum, all trammels, all ordinary prudence, giving way to their passions, as if they had been in the hey-day of their youthful blood, and joined together by ties that made the indulgence of them a virtue; yet, with all this want of circumspection, the man's serving man, and the lady's waiting woman, are only able to prove circumstances by inference, from which they are to make out the charge. When I said there was no caution or circumspection, I mistook the case. If you

believe these witnesses, and it is a circumstance shewing the improbability of the case to which I call your attention—if you believe any one part of the evidence, not only was there no caution used to prevent discovery, but every degree of caution and care was adopted to insure discovery by the parties themselves which the wishes of their most malignant adversary could have devised, in order to promote their own disgrace. Observe how every part of this case is subject to this remark, and then I leave the inference to your lordships. You will even find that just in proportion as the different acts are suspicious, or of an unquestionably atrocious nature, exactly in the same proportion do the parties take care that there shall be good witnesses to detect them. That is a feature that belongs to every part of this case. It would be a probable case if such features did not belong to it; but those features do prevent it from being contemplated as appalling, for unless the nature of the human mind, and of society are altered, no mortal ever before acted as the Queen has done. Walking arm and arm is a circumstance light and doubtful, therefore it never takes place but in the presence of one witness; but sitting together in an attitude of familiar proximity, is to be proved by several witnesses, and those who shew it to have been done, state the fact with the addition of placing the arm round the neck, or behind the back, which raises it a step higher in the scale, and makes it less equivocal. The witnesses tell you that this happened when the doors of the room where they were sitting were open, with no veil or curtain to conceal them; and where thousands were walking in sight of the house: they mention several salutes of the lips were given and received, and this raises the case still higher; but it appears there never was a kiss between these two lovers without especial pains being taken that a third person should be by, that while they enjoyed their familiarities the bystanders might tell the story. A witness is out of the room when these familiarities are passing—they must therefore wait till he returns—they must wait till Majocchi is present to witness their conduct. They are represented as sitting on a gun, or near the mast of the vessel—the Queen sitting on the knees of Bergami. This

is an act still higher, and therefore may be proved. Lighter facts are scantily proved by one witness only, but, as that is an act of higher enormity, care is taken that it shall be perpetrated before two persons. Sitting on a gun, with an arm round the waist (notwithstanding it is but a slight familiarity), is such an act as leaves nothing to be done, except the last act of desire. This, therefore, must be committed in the presence of the whole crew every time they are assembled—not in the dark, but before sun-set, openly in the presence of all the passengers. But the case is not left there, as you may easily suppose. Persons who are so unwary against themselves, such allies for their accusers, such props to the case to be made out against them, are not remiss in granting the last favour in the presence of good and sufficient witnesses. Accordingly sleeping together has not only taken place nightly and habitually, but also always by land as well as by sea, in order that all might see it who belonged to the adverse party. Why, so far is this carried, that Bergami cannot retire with the Queen into the anti-chamber, where she is to remain, an hour to change her clothes, and to put on a suit of a different sort, without taking especial care that the trusty, silent, honest, intriguing Swiss waiting-maid shall be placed at the door of the room—they must say to her, we have occasion to go into the room for a quarter or half an hour; you may guess what is to pass; do you wait at the door till we come out. I wish I could stop here. There are features of equal enormity in the other parts of the case, and you will always find, that in proportion as the revolting scenes are of a nature to disgust, and almost to contaminate the mind of any one, however, unconcerned, who is compelled to listen to them, exactly in the same proportion is especial care taken that they shall not be done in a corner—not done in the recesses of those receptacles of abomination the place affords—not in the secret haunts which lust has degraded to its purposes—not in some of those islands which the less scrupulous inhabitants of ancient times devoted to indecencies of a similar description: they cannot avail themselves of these—they must commit their enormities before witness in the broad daylight, in open carriages, when the sun

is in the meridian. But even this is not enough—to have them in the public highway is not sufficient—they must take care to have a courier of their own, without a veil in any one part of their carriage to conceal them? I ask you, whether vice was ever known so unwarry—whether folly was ever known so extravagant—whether unthinking passion, even in the most youthful period when the blood boils in the veins, ever acted so thoughtlessly, so recklessly as these parties have done. When you have directed your mind to this feature of the case let it operate as a caution when you come to examine the evidence—but all this is nothing: their kindness towards their enemy, and their faithfulness to the plot against themselves, would have been left short indeed, if they had gone no further; for if it had only proceeded thus far, it would have depended on the good fortune of the adversary in getting hold of the witnesses, at least the principal part of them; therefore every one of these witnesses, without one exception, is either dismissed without a cause, and refused to be taken back when there was every human inducement to restore them. This is not all. Her Majesty, knowing what she had done, recollecting her own contrivances, aware of all her cunning and elaborate devices towards her own undoing, carrying before her eyes the picture of all her schemes to render detraction inevitable—reflecting too that she had given the finishing stroke to the plot, by turning off the witnesses whom she knew had been planted to convict and destroy her—knowing, also, that upon her turning them away the enemy had taken advantage, and had them in *presidia* ready to overwhelm her—having been warned that they were here to destroy her—that if she faced them she was undone—advised, counselled, and implored to bethink herself well before she ran so enormous a risk—notwithstanding all these considerations, the Queen comes to England, and is here and confronts these witnesses, knowing that the threat against her was not an empty threat, and seeing that it was on the point of being accomplished up to the last moment; and to this hour she refuses a magnificent retreat, the indulgence of all her propensities, the uncontrolled licence of her conduct, and even a safeguard and vindication

of her honour by the two Houses of Parliament. If these are the timeaments by which vice is to be traced in the human frame—if these are the symptoms of the worst of all diseases, the dereliction of principle carried to excess, then I have ill-read the human mind; and it is groundless to imagine that guilt is wary, and innocence alone confident and fearless. Attend now, I beseech you, with this comment on the general features of the case, to the sort of evidence by which such a case is made out. I should exhaust myself, besides fatiguing you, if I was to make any observation on that part of the case I have now gone through. I will satisfy myself with one observation. It must have suggested itself to you, that if an ordinary case could not be proved by such evidence as I am now commenting upon, and if it would require very different proof, a case such as this ought to be sustained by evidence unimpeachable, and most pure and immaculate. I do not intend—I have no interest in saying, that a conspiracy has been formed. I say not so; I only will show you that if there had been such—if any persons had been minded to have ruined Her Majesty, they could not have taken a better course than that which the case has proved. In any such design, the first thing to be looked to is the agent. If the attack is against the domestic peace of an individual, and you are to prove misconduct, who are the persons likely to be resorted to but those I am supposing to exist in order to make up a story against the individual marked for destruction. In the first place, they would have recourse to the servants who had lived for years in the family—they would furnish all that would be desired; but, if they were foreigners who were to be well tutored abroad, and then to deliver their story where they were unknown—to be brought to a place where they had never been in their days, and to tell their story before a tribunal that knew no more of them than they knew of it—whose wrath they had no reason to dread—in a country where they did not care two rushes whether they ever returned to it or not—these would be such servants as such conspirators would choose. All foreigners are not made of the same materials; but if any one nation is marked by the crime

which I impute to these witnesses, it is Italy, the country of Borghia. I speak of it without imputing a disposition to perjury in the nation at large in modern times; but if any one was to predicate of a country where perfidy and perjury could be had for money, what spot could be indicated better than Italy. If a proportion of the respectable Italians will allow me to state the fact, I say there are many I have the happiness of knowing, in whose hands I should think my life and honor safe as in any of their lordships; but I speak of those who have not been brought here when I so pass my opinion of them. Those who have been brought over here are of a far other description. My lords, they were to be gotten by various means, which the carelessness of the party, which the wealth and power of the supposed conspirators placed within their reach. Money, accordingly, has been given, with a liberality unheard of in any other case even of conspiracy, and where money would not operate power was called into aid. Having thus procured their agents—having thus intrusted them—how were they marshalled to compass the common design? Uniformity and agreement is necessary in conspiracy; accordingly, they are first taken one by one, and carefully examined before one and the same person, assisted by the same coadjutors, and even by the same clerks; they are moved in bodies along the country by even the same couriers, and these couriers are not the ordinary runners of the Foreign Office of the country which shall be nameless, who had some connection with the spot, but special messengers whose attention is devoted peculiarly to this department. Many of the witnesses are used as messengers which kept the different witnesses in the due recollection of their lessons, and had the effect of encouraging the zeal of those witnesses by giving them an office, an interest, a concern in the plot that is going on. Observe then, how the drilling goes on. It is not done in a day, nor in a week, hardly in a year, but it extends over a long space of time—it is going on for months and years. The board is sitting at Milan; there they sit at the receipt of perjury; there they carry on their operations themselves, ignorant of its being perjury, but then so long as it continues so much the more likely is

this gross perjury to take place; they are paid for their evidence, the tale is propagated by the person receiving the money, carrying it to his own neighbourhood, and he becomes the parent of a thousand tales, to be paid equally as they deserve, for one is as false as the other. You mark the care with which it is treated; there is not a witness brought here without passing through the Milan trial, because if they passed without that there would be a want of union; so that even the mate who was brought here to be examined on the morning after his arrival, was brought through Milan, and passed his examination before the same persons who had taken the former examinations; aye, and the captain is carried by the way of Milan, to have a conversation with his old friend, who the year before had examined him to the same story. Here then, by these means recruited, with this still marshalled, with all this apparatus and preparation, made ready to come to the field where they are to operate, you have the witnesses safely landed in England; and in order that they may be removed from thence, suddenly, all in a mass they are living together while here; then they are carried over to Holland, and afterwards returned here, and finally deposited a day or two before their well-earned services and well-earned money, I think, require them to appear before your lordships. They are kept together in masses, formerly they lived in separate rooms; it was necessary not to bring them together before, but those of feeble recollection, it was necessary afterwards to keep together for the convenience of mutual communication: there they were communicating to each other their experience, with the same zeal, founded on the same motives, to the same common cause.

But according to the parts of the story which they were to make out before your lordships, they were put together. There are two Piedmontese; they did not associate together, but one of them kept company with the mate and captain, because he tells the same tale with themselves. It is needless to add, that they are here cooped up in a state of confinement; here they are without communication with any body, ignorant of any thing that is going on around them, and brought from that prison by

these means, in order to tell the story which, by such means, has been brought in among them.

"My lords, I fear I may appear to have undervalued the character of these Italians; suffer me, then, to fortify myself upon this subject by saying, I am not the person who has formed such an estimate of the lowest orders of that country; and perhaps it may be some assistance to your lordships, possibly some relief to the discussion of this evidence; if I carry your lordships some way back to the history of this country, and I shall take care not to do it to any remote period, or to circumstances different from those which mark our present day; I, naturally, then, go back to the reign of Henry the Eighth, and the proceedings against Katharine of Arragon, and I shall shew your lordships in what way we have a right to view the Italian authorities of a higher cast. Your lordships will find in the records of that age, in Rymer's collection, some curious documents with respect to the proceedings of Henry VIII. the great object, as you know, was to procure and consult the opinions, the free unbiassed opinions, of the Italian jurists in favour of his divorce. I will now give you a specimen of that which resembles our evidence: the sentiment I give you is that of the most celebrated of the whole, who is known by the appellation of Bologna, the Learned. The doctors there say, one and all, "*Soli veritati innitenti casu prius per unumquemque nostrum sigellatum domibus propriis examinato.*" They had taken the care, which your lordships have taken on the present occasion, to sift the evidence, and then they come in, "*Summaque solertia per dies plurimos contractato illum una mox ordinis examinaverimus contulimus;*" and a great many other phrases are used, meaning the same things, and then having well weighed the matter, "*adamassinque singula quæque pertractantes ponderavimus rationes quiscumque contrarios. Censemus judicamus dicimus constantissime testamur.*" They say Harry VIII. has a right to divorce his queen for these reasons, and they appear to have taken, by a singular coincidence again, pretty nearly the same precaution which has been taken here to swear, which they might do with a safe conscience, that they had never opened their mouths to one another on

the subject. "That they never had directly or indirectly communicated their sentence or any words or thing concerning the same by signs, word, or deed or hint, until a certain day," which was the day they all came to understand the matter, which answers to their coming into this court, with the difference of the time of the day. Now, my lords, all this appeared perfectly safe; the fact was, every precaution was taken to meet all objections, and it would all look quite well to the present day, if there had been no such thing as a good historian and honest man, in the person of Bishop Burnett; and he, with his usual innocence, being a great advocate of Harry VIII., tells the tale in the way which I am now going to state, still leaning towards that king; but, undoubtedly, letting out a little that is rather against himself. Harry first provided himself with an able agent—and it was necessary that he should also be a learned one; he took one then, to whom my learned friend's eulogium on the head of the Milan commission would apply in some of the words—a man of great skill and probity—his name was Cook also, and "he went up and down (says Burnet) procuring the hands, and he told them he came to that he desired they would write their conclusions according to conscience (as I hope has been done at Milan), without any respect to favor, as they would answer at the last day; and he protested (just as I have heard some other persons do) he never gave nor promised any divine any thing till he had first freely written his mind; and he says, "that what he then gave was to be considered as an honourable present rather than a reward."—As a compensation, not a recompense. Those were the words used in that country as they are in this. Now we have a letter from this agent, as who knows 200 years hence there may be letters from Milan, we have not them, and we are obliged to go to Cook's letter; he says, "My fidelity bindeth me to advertize your highness, that all Lutherans be utterly against your highness in this cause, and have told as much with their wretched power, malice without reason or authority as they could and might: but I doubt not," (says he) "that all Christian Universities, in contradistinction to Lutheran—that all Christian Ministers, if they be well handled,

will earnestly conclude with your highness; albeit, gracious lord, (now comes he to expound,) if that I had in time been sufficiently furnished with money—albeit I have procured unto your highness 110 subscribers, yet it had been nothing in comparison of that that I might easily and would have done—in most humble wise beseeching your most royal clemency to ponder my true love and good endeavouring, and not suffer me to be destitute of money to my undoing, and the utter loss of your most high causes here.” Now this, undoubtedly, is one history of the case; but we have only seen the accounts of Bishop Burnett; but the Vilmarcati, the Italian, left his papers behind him, and we are furnished with the tariff of the Doctor's opinions in Italy. “Item, to a servite man whom he subsisted, one crown; to a Jew, one crown; to the doctor of the servants, two crowns; item, to the prior of St. John's and St. Paul, who wrote for the king's cause, fifteen crowns.” The author was better paid then than the advocate, as often happens in better times. “Item. Given to John Mairà, for his expence of going to Milan, and for rewarding the doctors there, thirty crowns.” And there is a letter from the Bishop of Worcester, who directs that “he should not promise rewards, except to them that lived by them, to the canonists, who did not use to give their opinions without a fee.” The others he might get cheaper.—Those he must open his hand to, “because,” he says, “the canonists, the civilians did not use to give an opinion without a fee,” differing from this case, because they have not favoured us with any opinion.

My lords, the descendants of those divines and doctors, I am sorry to say, have rather improved than backslidden from the virtues of their ancestors; and accordingly, I trust your lordships will also permit me to bring the tale down to the present day; to connect this proceeding with the divorce in Harry the Eighth's time, I trust you will let me read the testimony given in 1792, of a native of Italy, of distinguished family, who was employed in a diplomatic character, by an august character, who was near being the victim of an Italian conspiracy; he published a letter, and it is evidence, I say, because it was published before the whole Italians in their own tongue,

and it states what Italian evidence is made of, and he addressed it with his name to the prime minister of the country; that minister enjoying the highest civil and military authority there, and being by descent a subject of the British crown—I mean General Acton. To the dishonour of human nature, there is nothing at Naples so notorious as the free and public sale of false evidence. Their ordinary tariff is three or four ducats, according to the necessities of those who sell, and the occasions of those who buy it. If, then, you would support a suit, alter a will, or forge a hand-writing, you have only to cast away remorse, and open your purse—the shop of perjury is ever open.” It poured in upon him in a full-tide: he made his appeal in such words as I have now read; he and his royal master, who were implicated in the charge, were acquitted by such an appeal; and I now repeat it, when such evidence is brought to support charges as atrocious, as ruinous, and far more incredible in themselves than that an Italian should have suborned an agent to injure a fellow creature.

My lords, I have been drawn aside from the observation I was making generally of the manner in which this case has been prepared. I pray you to observe how these witnesses all act after they come into Court; and the first thing that must strike an observer here is the way in which they mend their evidence—how one improves upon the other after an interval of time, and how each improves when required upon himself. I can only proceed, my lords, in dealing with this subject of conspiracy and false swearing by sample; but I will take the one that first strikes me, and I think it will effectually illustrate my proposition: you remember the manner in which the Attorney-General opened the case of Mahomet, the dancer: again, I take his own words, a man of the most brutal and depraved habits, who, at the Villa d'Este, exhibited the greatest indecencies in the presence of her Majesty; exhibitions which are too disgusting to be more than alluded to; the most indecent attitudes to imitate the sexual intercourse; this person deserves not the name of a man, says the Attorney-General: now I take this instance, because it shews the proposition that I was stating to your lordships better

than any other—perhaps all shew it to a degree, but this best of all, because I have shewn your lordships how careful the Attorney-General is in opening the case, and how strong his expressions are—consequently, he felt the importance of this fact—he knew how damaging it would be to the Queen—he knew it was important to state this, and he felt determined not to be disappointed, when he had been once and again spoiled; he brought three witnesses, and if one would not swear the first time, he brought him again. Now, if I shew the symptoms of mending and patching in such a case, it operates as volumes against their case; and if you find it here, you may guess it is not wanting elsewhere; but here it is most manifest to be seen. Your lordships plainly perceive what it was that these witnesses intended to say—you no sooner heard the first question put—you no sooner heard the leading questions with which the Solicitor-General followed it, than you must have known it was expected an indecent act would be sworn to—that it would be sworn it was an exhibition of the most gross and indecent description, and one part of the evidence I can hardly recount to your lordships. Now see how the first witness swore—this is their first and main witness, who proves their whole case—he carries through the whole case (Majocchi)—he will only say, and this is the first stage in which this deity is brought before your lordships. At first he will only allow it is a dance. “Did you observe any thing else?” The usual answer—“Non mi ricordo; but if there was I have not seen it, and I do not know.” “Did he use any part of his dress?” says the Solicitor-General, evidently talking from what he had seen written down. “No, he used it as usual.” “How did he use his trousers—did he not use his turban or trousers?” “His trousers were always in the same state as usual.” Here then was a complete failure: no shadow of proof of these mysteries which this witness was expected to divulge. This was when he was examined on the Tuesday; on Friday, with the interval of two days, and your lordships, for reasons best known to yourselves, but which must have proceeded from justice, guided by wisdom, which is never more seen or evinced than in varying the course of

conduct, and adapting to new circumstances the actions we wish to do, which will not, if it is perfect in its kind, and absolute in its degree, suffer by the deviation. For that reason alone, in order, that injustice might not be done, what in one case may be injurious to a defendant, may be expected mainly to assist a defendant in another; and your lordships, not with a view to injure the Queen, your lordships, with a view to further the ends of justice, allowed the evidence to be printed which afforded the witnesses, if they wished it, means to mend and improve upon their evidence. Your lordships allowed this solely with the intention of gaining for the Queen the verdict which the country has pronounced in her favour, by looking at the case against her. Your lordships, however, allowed all the evidence against her to be published from day to day; accordingly, about two days intervened between Majocchi's evidence and Birollo's, during which Birollo had access to Majocchi's deposition, as well as to his person; and it is no little assistance, if we have not only access to the witness, but to his testimony, because he may forget what he has sworn; and it is something that he should see, as well as the second and the mending witness, the story he has told. Accordingly, with a facility which this gave him, came forward Birollo. After two days interval he improves upon the story: from a dance, and from the usual handling, or ordinary use of the trousers, he made a retula or roll. The witness then begins to hint at some indecency, but he does not mention it, he starts and draws back—for my part, I cannot tell what he meant, but he really adds something which he might think indecent in his wicked imagination, but he was forced to admit he did not know what it meant; but one witness afterwards comes, and he finishes it altogether: he improves even on Birollo, and he tells you in plain downright terms that which I have a right to say, because I know I can prove it, to be false; which I have a right to say now, before proving it was false, because I know the same dance was witnessed by wives and daughters as modest and pure as any of your lordships have the happiness of possessing—by wives and daughters of your lordships in these countries. Now another in-

provement and mending suffer me to advert to, for it runs through the whole case: I do not even stop upon the *Noa mi ricordo* of Majocchi, which, after the impression it made the first day, was regularly dropped by the other witnesses substituting other terms; but I wish to call your lordship's attention to a more important matter. No sooner had the captain and mate proved that they were brought here by sums so inadequate to the service, by sums beyond even the most ample remuneration for their work, that they had sums such as Italians, in their situations, never dreamed of—no sooner was this dropped, than one and all are turned into disinterested witnesses, not one of whom ever received a shilling for what they did: half-a-crown a day, my travelling expences, and a few stivers to feed my family. The expectation of his expences began in the instance of the cook, Borillo, he told you he had had nothing but his trouble in coming here. "What do you expect when you go back?—Only the happiness of being allowed to return to my master." The cook at first was offered, and refused money; the other had nothing offered. De Mont nothing—Sacchi nothing—though true he, a conrier, turns out to be a man of large property, and who says, thank God I have always been in easy circumstances—thank God, with a gratitude truly edifying—a man who must have had a servant of his own, who had one in England, who must live here at the expence of four or five hundred pounds a-year, which is equal to fourteen or fifteen hundred in Italy, goes to be a courier, is angry at being turned off, and is anxious to return. I believe the captain and the mate, they avowed what they had to be enormous payment, and others knowing the effect of that confession, one and all ever since have denied receiving any thing, and they would not confess that they had any future expectation. The last of these general observations with which I shall trouble your lordships, I own I think you must have been impatient I should come to, I mean the great blanks among the witnesses for the prosecution; I mean the fewness of those witnesses, compared with what their own testimony and their own statement that introduced it, show

your lordships they ought to have called. My lords, I conjure you to attend to this, for it is a most important point in the whole of this case. I say, that if I had not another argument to urge, I should stand confidently upon this ground, if the case was as ordinary as it is extravagant; if it were as probable as it is loaded in every feature with the grossest impossibility; if it were as possible that such things should have happened and be done by such men as it is the very reverse, I should still stand confidently and steadily upon that part of the case to which I have now happily arrived. I know, my lords, that it is a rash, and bold, and even too rash a thing to say so much of a point before I have began to hint at it, but I feel so persuaded, so convinced this is of itself a material consideration in such a case as this—fatal to the bill, that I think I have ever acted prudently by telling you all that passed in my mind respecting it. The Attorney-General told us, that there were rumours at Naples why the Queen's ladies had left her; it turned out that instead of leaving her, one had joined her at Naples, one joined her at Leghorn, and another at Genoa afterwards; but he said one left her, and one or two others staid behind, and rumours were not wanting that it was owing to the impropriety of her conduct: rumours he could not prove; but no doubt, if the rumours were founded, they were such as he had a right to allude to; but if there had been a shadow of a ground for those rumours, he had those witnesses to call. Where were these ladies, women of high rank, and great station in society, well known in their own country; loved, esteemed, and respected as known women, upon whose character not a vestige of imputation has ever rested; women of talent as well as character, the very persons to have brought forward, if he had durst brought them forward; and the very signal, and I had almost said, extravagant contrast to all the witnesses but two, whom my learned friend did venture to bring to your lordships' bar, why were they not produced to your lordships? Why have we not the benefit, as well as your lordships, of having the case proved against us, as any judge sitting at the Old Bailey would command, upon pain of an acquittal,

any prosecutor to prove against any felon they were in our employment—they were somewhat connected with us—they were in the pay of the Queen, and might be supposed to be amicably disposed towards us: is that the reason for not calling them? I am not speaking of a civil action—I am not dealing with a plaintiff's case in a suit upon a bill of exchange of twenty pounds; I am here, not on a misdemeanor, or a felony, or the highest crime known in the law, from which this only differs in a technical distinction, but I am here on a Bill of Pains and Penalties, which you are not bound to pass—which you may give the go-by to—which you are not bound to say Aye or No to, as a Commission trying High Treason is. Gracious God! is this a case in which the prosecutor is to be allowed to bring forward half a case, and to say these witnesses I will not call—true it is, they are the best, true that they are respectable, and that they are unimpeachable no man can deny—if they swear against the Queen, she is utterly undone; but I will not call them: I will leave them for you, they are not my witnesses, you call them, they come from your vicinity; they do not belong to Cotton Garden, and therefore I dare not, I will not produce them; but when you call them we shall see what they state; and if you do not call them, in the name of justice, what? I say, for shame—in this temple—this highest temple of justice—to have her most sacred roof so profaned, that I am to be condemned in the plentitude of proof? if guilt is, that I am to be condemned, unless I go counter to the presumption which rules in all courts of justice, that I am innocent till I am proved guilty. I am here utterly ruined, unless I call my adversary's witnesses. My lords! my lords! if you mean ever to show the face of those symbols by which justice is known to your country, without making it stand an eternal condemnation to yourselves, I call upon you instantly to dismiss this case, and for this reason, and I will say not another word upon it. My lords, perhaps your lordships will allow me a short interval, as I am now coming upon another part of the case.

Having retired for three-quarters of an hour, Mr. Brougham proceeded as follows:—

“My Lords, I have humbly to return

my thanks to your lordships for the indulgence with which you have kindly favoured me. I have now to solicit the attention of your lordships, and I am afraid at greater length than any thing could justify but the unparalleled importance of the occasion, to a consideration more in detail of the evidence by which this case has been attempted to be supported; and in point of time, as indeed of importance, the first figure that was presented to your lordships in the group must naturally arise to your recollection the moment I announced my intention of going into my particular detail of the merits of the different witnesses—I mean Theodore Majochi, of happy memory, who will be long known in this country, and every where else, much after the manner in which ancient sages have reached our day, whose names are lost in the celebrity of the little sayings, by which each is now distinguished by mankind, and in which they were known to have embodied the practical result of their own experience and wisdom, and as long as those words which he so often used in the practice of that art and skill which he had acquired by long experience and much care—as long as those words shall be known among men, the image of Majochi, without naming him, will arise to their remembrance. My lords! he is a witness of great importance in this cause, first called, latest continuing by the case, and accompanying it throughout. His evidence almost extended over the whole period through which the case and the charge itself extends; in fact only dismissed, or rather retiring, and refused to be taken back about the time when the charge closed. He and Dumont stand aloof from the rest, and resemble each other in this particular; they go through the case, they are the witnesses to prove it, they are the witnesses for the bill; the others confirmatory only of them; but as willing witnesses are wont to do, as those who have received much, and been promised more, they were zealous on behalf of their employers, and did not stop short of the two main witnesses, but they each carried the case a great deal further; this is generally with a view to their relative importance, the character of all the witnesses. Now only let me entreat your lordships a little more in detail for their merits. I have often heard it

remarked, that the great prevailing feature of Majocchi's evidence signifies in truth but little, because a man may forget. Memories differ—I grant they do; memory differs as well as honesty in man. I do not deny that; but I think I shall succeed in shewing your lordships, that there is a sort of memory which is naturally inconsistent with any degree of honesty in any man. I can figure to myself—but why do I talk of fancy, for I have only to recollect Majocchi—and I know cases in which I defy the wit of man to conceive stronger or plainer instances of false swearing than may be conveyed to the hearers and the court in the words, “I do not remember.” I will not detain your lordships by putting cases where “I do not remember” would be innocent, where it might be meritorious, where it might be confirmation of his evidence, and a support to his credit; neither need I put cases the reverse of this, where it would be destructive to his credit, a demolition of his testimony. I have them in the witness; for if I had been lecturing on evidence, I should have said, as the innocent forgetfulness is familiar to every man, so is the guilty forgetfulness; and in giving an instance, I should just have found it all in Majocchi's evidence. Now at once to give your lordships proof positive that this man is perjured—proof I shall shew to be positive from his mode of forgetting. I come at once to the way in which he swore hardily in chief—eke, as hardily in cross-examination to the position of the rooms of her Majesty and Bergami. The great object of the Attorney-General was that for which the previous concoction of this plan by these witnesses had prepared him, namely, to prove the position of the Queen's and Bergami's rooms always to have been favourable to the commission of adultery; by shewing that they were near and had a mutual communication; whereas the rooms of all the rest of the suite were distant and cut off; and the second part of that statement was just as essential as the first to make it the foundation of the inference of guilt, which it was meant to support. Accordingly, the first witness who was to go over their whole case appears to have been better prepared on this point than any ten that followed—more inferences—more finitiveness in detail—perfect recollection,

to attack the Queen—utter forgetfulness, to protect himself from the sifting of a cross-examination. Where did the Queen and Bergami sleep?—Her Majesty slept in an apartment near that of Bergami. Were those apartments near or remote? for it was often so good a thing to get them near and communicating, that it was pressed again and again. Where were the rest of the suite, where they distant or near? says the Solicitor-General. This was at Naples; and this is a specimen of the rest; for more was made of that proximity at Naples than any where else—Were they near or distant?—They were apart. The word in Italian was “lontina,” which was interpreted apart—distant he meant, for he meant nothing by this statement if he did not mean that: he then had sworn distinctly from his positive recollection, and had put his credit on the truth of the fact, and also on his recollection of it upon this, whether or not the Queen's room was near Bergami's, with a communication; but no less had he put his credit upon this other branch of his statement, essential to the first, in order to make both combined the foundation of a charge of criminal intercourse, that the rest of the suite were lodged apart and distant. There is an end then of innocent forgetfulness; if, when I come to ask where the rest slept, he either tells me I do not know, or I do not recollect; because he had known, and must have recollected, that when he presumed to say to my learned friends, these two rooms were near and connected, the others were distant and apart; when he said that, he affirmed his recollection of the proximity of those rooms, and the remoteness of the others, he swore that at first, and afterwards said, “I know not,” or “I recollect not,” and perjured himself as plainly as if he had told you that he saw a person on one day, and the next day said, he never saw him in his life. The one is not a more diametrical contradiction than the other. Trace him in his recollection and forgetfulness, observe where he remembers and where he forgets, and you will find the same conclusion following you every where, and forcing that construction. I will give one specimen from the evidence itself, to shew you he has no lack of memory when it is to suit his purpose, when it is to prove a story where he has learned his lesson, and when he is

examined in chief and knows who is dealing with him, and only anxious to carry on the attack. I will shew you what his recollection is made of—you shall have a sample of his recollection here: "Have you ever seen the Villa d'Este since the time you came back from the long voyage?" He had been examined in chief upon this, and had stated distinctly, with respect to the Villa d'Este, the state of the rooms, and I wanted to show his recollection on those parts where he was well drilled. "Have you ever seen the Villa d'Este since the time you came back from the long voyage?"—"I have." "Was the position of the rooms the same as it had been before with respect to the Queen and Bergami?"—"They were not in the same situation." Then he gives a very minute particular of the alteration—a small corridor was on one side of the Princess's room on her return. "Was there a sitting-room on the other side of it, not opposite, but on one of the other sides?" Now attend to the particularity: "There was a small corridor on the left, of which there was a door that led into the room of the Princess, which was only locked, and then going a little further on in the corridor, there was on the left hand a small room, and opposite to this small room was another door which led into the room where they supped in the evening. There was this supping-room on the right, there was a door which led into Bergami's room, and on the same right hand of the same room, there was a small alcove, where there was the bed of Bartolomeo Bergami. How many doors were there in the small sitting-room where they supped?—I saw two doors open always, but there was a third stopped by a picture." "Where did her Royal Highness's maid sleep?"—"On the other side, in another apartment." Now, can any recollection be more minute, more accurate, more perfect in every respect, than his recollection is of all these minute details which he thinks it subservient to his purpose to give distinctly, be they true or be they not. I do not deny them; my case is that much of what is true is brought forwards; but they graft falsehood on it, which is the only way of making out a story; to build from top to bottom on falsehood will never do; but upon a little truth you may raise a tale which, with a good deal of

drilling, may put an honest man's life, or an illustrious Princess's reputation, in jeopardy. Now I only wish your lordships to contrast with this accuracy of recollection upon this subject, and upon many other points, a few of which I shall give you specimens of his not having the slightest recollection of a whole new wing having been built at the Princess's villa. He remembers a slight alteration of a door; he does not recollect the throwing up of a new wing to the house.

Now, I only wish your lordships to contrast the accuracy of his recollection with that of his knowledge. He stated that he had not the slightest recollection of a whole new wing having been added to the Villa d'Este. All he says is, "I remember a slight alteration." That I think is not only a captious answer, but it is a dishonest one. Observe how much he knows of time when it suits his purpose, and how little of fact. When speaking of the celebrated scenes at Naples, he remembers time to minutes. Upon two occasions he mentions Bergami as being with the Princess: on the first he says they remained together from ten to fifteen minutes, and on the second from fifteen to eighteen; that is to say, taking a medium of sixteen minutes and a half each time. On another occasion he tells you, that an affair lasted a quarter of an hour. He first speaks of three minutes and a half, then three minutes, and before he goes up stairs, fifteen minutes altogether elapse. In another instance, he speaks of three quarters of an hour. All this accuracy, your lordships will observe, is displayed, when he is examined in chief by the Attorney-General; and his punctilious exactness as to time, evidently shews a desire to garnish his detail, after it had been made up, and thereby to give it an appearance of accuracy, so essential to his purpose. But when I (who am not of counsel for the prosecution, but for the defence) come to ask him questions, his accuracy totally leaves him, and his memory as to time is completely lost. He then does not know whether he travelled all night, four hours, or eight hours. In answer to a question of that kind, he very slipshodly answers, "I had no watch, and I have no recollection of the length of time." Had he a watch when he mentioned the time the Queen came into the room, and when it suited

his purpose to know the time to a minute? Why no, he had not, and this shews that his memory was accurate only when it suited his purpose. Why should he be so ignorant and forgetful of time and circumstances for want of a watch, at one period more than another, but because it did not suit him to be accurate when interrogated for the purpose of the defence, or, which came to the same thing, because the whole of his statement was founded in falsehood. With respect also to calculation of numbers, he is as much at fault as he is as to time. He cannot tell whether two or twenty-two sailors were on board the polacca; neither can he speak accurately as to place. He himself slept in the hold of the vessel, but he cannot tell where the crew were either by night or by day. In short, a more various memory, or one more exactly suited to the different capacities in which he appears as a witness, could not be exhibited to the observation of this or any other tribunal that ever existed. Thus, however, is not all; because there is as much in "I don't recollect," as there is in "I don't know," with a witness of this description; for which ever way he gives the answer, his veracity is equally questionable. If a witness is speaking the truth, his answers in the first examination will be the same as those which he gives in the second. Observe the application of this remark in the conduct of Majochi. When he is first examined respecting Mr. Hughes, the banker's clerk, at Gloucester, he knows nothing of his being a banker's clerk; but when he sees, on the second examination, that I have got hold of a letter, of which we knew nothing on the first, and which he, perhaps, thought was not in existence; or which probably he had forgotten, in a moment, and before I asked him a single question about it, your lordships plainly saw by his tone and manner, that he had never forgotten at any time that Mr. Hughes was a banker's clerk; for he confessed that he was in the habit of calling him Brother Banker. "But that," says he, "was a joke between us, on account of the familiarity which subsisted between us." Familiarity then makes him forget the business of his friend—he forgets the occupation of his familiar, for the reason which ought to make him most acquainted with it, namely, because he was in the habit of calling him Brother

Banker. This certainly is a singular mode of accounting for his ignorance upon the subject. When interrogated about his having made a proposal of marriage to a certain person, your lordships will recollect the manner in which he attempted to laugh off the matter. With what success I leave your lordships to judge. He was not willing to recollect either the name of the lady or the circumstance, until he found out that we were in full possession of all the particulars. But before we have done with Majochi, I have to mention other instances of the inconsistency of that extraordinary witness—the most valuable, the most important, the most respectable, that has been presented to your lordships. Of the truth of these imputed qualities, I leave your lordship to decide from your recollection. Your lordships cannot but recollect, the shuffling, fencing, prevaricating way in which he answered the questions put to him with respect to the receipt of money from Lord Stewart. He swore twice that he never received any money at Vienna. Then came an attempt to explain the matter, knowing that we could not be deceived, by the evasion of his first answers. He says, "I remember to have received no money at Vienna, but I remember to have received seventy-eight piastres when I arrived at Milan, but I don't know whether it was more or less. *Non mi ricordo*," the usual answer which fell from him when it was not convenient to speak with accuracy. Now I had a pretty good guess as to the sort of evidence which laid the foundation of that favour with which our cabinet ministers received the testimony of this witness, and which formed the foundation of the Attorney-General's instructions. Your lordships cannot but have observed that the Attorney-General, in his examination of this witness, calculated a great deal upon what he had stated at first to his Majesty's ministers, and that his instructions were founded entirely upon that statement, never doubting that the witness would adhere to his first story; and your lordships will judge of the fidelity of the instructions by the manner in which the questions were put. I need hardly remind your lordships of one remarkable failure in the evidence of Majochi, as given at your lordship's bar, and that which he may reasonably

be supposed to have given on a former occasion. The Attorney-General, from his instructions, stated that he should be able to prove that the Princess and Bergami were heard kissing each other in the room of the latter. This was the Attorney-General's instructions, but the witness refused to swear to the fact. On the contrary, he said, that all he heard was whispering. But I will remind your lordships of one or two other instances in which the Attorney-General's statement totally failed upon the evidence of this witness, when examined at your lordships' bar. They are certainly not so material; but, when coupled with other circumstances, they are of importance to shew what little reliance can be placed upon the evidence of such a witness, and further, to shew that the Attorney-General's instructions must be founded upon the interested and false representation of a man whose memory totally fails upon matters which must have been created by his own invention. The manner in which my learned friend put his questions, shews how frail and tender he felt the ground to be on which he stood; and the answers he received proved to demonstration, that the story he was instructed to state was not true. Your lordships could not but have observed the manner in which my learned friend was staggered when he did not receive the answers he expected to receive, and which were no doubt put down in his instructions as evidence to which the witness had previously deposed. The repetition of his questions accompanied by leading hints and prompting suggestions, evinced his anxiety to refresh the memory of the witness upon points which he had before sworn to, and which now, being the invention of his own brain, he had completely forgotten. This circumstance leads me to this remark, the truth of which is perfectly obvious, namely, that a witness will probably recollect a part if not the whole of what is true, but will totally forget that which he has himself invented. He is much more likely to forget the fruit of invention than those facts founded in truth. Where a story is partly composed of truth, and the remainder of falsehood, however quick his invention, or retentive his memory, the witness will scarcely fail to forget what he has before stated in the way of fiction. The memory is much more retentive

of real facts, than it is of scenes which have been invented and imagined. Thus it is necessary that liars should have uncommon good memories, and hence it arises that Majochi has so much departed from his original story. I will refer your lordships to an instance, to shew wherein it became necessary to tax this man's memory in a manner somewhat singular, upon a part of his story, which he had probably before related as truth. He was asked by the Solicitor-General, whether, while he was in Augusta or Catania, he did not carry Bergami some broth while he was in bed? His answer was, that he often did so. He was then asked whether, after the Princess entered Bergami's bed-room, he did not hear any conversation. That itself in any ordinary court of justice, would be considered a tolerably leading question. The answer to the question so put was in the negative. It was then followed up by "Did you hear any conversation or any thing else?" This was obviously a hint for the man's recollection upon something which had been before taken down as a part of his story. Can any of your lordships doubt, that this had reference to something else which the man had said before? If it was true why did he not recollect it at once, and give a prompt answer? It was obviously not true, because if it had happened it would have immediately occurred to his recollection. My learned friend therefore, in order to give his memory every possible chance, asked him this sweeping question: "Do you recollect any conversation or any thing else passing on that occasion?" The answer is, "Only some whispering." Does any of your lordships suppose, from the manner in which this question was put, that the Solicitor-General expected such an answer? Did he not look for something more than *whispering*? I have already said that the Attorney-General opened the fact of kissing. It is quite manifest, therefore, that the Solicitor-General, by the manner of putting his question did not expect to receive such an answer as was given. Whispering alone would not answer the purpose, and then the Solicitor-General repeats the question in another shape. "Did any thing pass between them at any other time?" obviously leading the witness to the recollection of something to which he had before sworn.

The question so repeated received the same answer, "Nothing but whispering." I will mention another instance among many of the same sort, and I have to apologize to your lordships for detaining you so long upon such a topic, because I am persuaded that none of these circumstances could have escaped your lordships own notice and animadversion. It seems there was a story told of something that had occurred at Genoa about riding an ass. No person can doubt that in this man's former examination he had stated something upon such a subject, as to which his memory now totally failed from the cause I have already suggested, namely, because it had never happened. I entreat your lordships to observe the course my learned friend pursues. The witness is asked, "Did you make any observation when her Majesty was riding on the ass?" Every body must have expected that the man would have related something remarkable, but my learned friend was greatly disappointed in receiving an answer in the negative. He is then asked, "What passed?" His answer is, "He held her." "What else?" "He held her to keep her from falling." There was surely nothing indecent in that. "He held her lest her Royal Highness should fall." The Solicitor-General however not satisfied with that, and having something in his hand which he knew contained what had been said by the witness before, repeated the question still more pointedly; but the question still failed of its object, and my learned friend found that it was the most difficult thing to make a false swearer recollect that part of his statement which was founded in fiction, and contained no two facts upon which his recollection could hinge. Nothing can be more easy than to make a true man recollect facts which have been really within his knowledge; but the contrary is the case where a false swearer has nothing to found his statement upon but fiction. There are a number of other circumstances in this man's examination, which justify those remarks. He was asked, in pursuance of the same instructions, about some breakfast that had taken place at a convent—a circumstance which was fairly the work of invention, or it is quite obvious that he would have restated the fact. There is this difference between a false and a true witness: that the one involves

himself in the greatest difficulties and intricacies, and is totally inconsistent in all his statements; whereas the other, in the relation of his story, is pertinent, correct, and uniform. I must remind your lordships of one singular circumstance in the course of this man's story respecting the freedom of access that existed between Bergami's room and that of the Princess. After repeated prevarications, much equivocal swearing, and several positive denials, he was at length constrained to admit, on his cross-examination, a state of circumstances which completely defeated the whole object of his statement as to the easiness of access to Bergami's room as the scene of a criminal intercourse. From this disclosure of circumstances it would appear, that if the Princess had availed herself of this medium of access, she must have exposed herself to much more observation than she need have done, because she must have preferred going to the apartment where Bergami slept, through a room, small in dimensions, and where there was a fire burning, to give light to whatever occurred in the apartment, so as thereby to make her detection sure, without any probability of escaping observation. Can any thing be more monstrous or absurd than the story this man has told? He would have your lordships believe, that the Princess in her passage through her room to the apartment of Bergami, stopped, went up to his bed, and looked in his face, in order to ascertain whether he was asleep. Can there be any thing more improbable than the whole of this story? It is confessed that the Princess might have gone from her own room to that of Bergami's without going through that of Majocchi's; why then should she not have preferred going through her own apartment, where she was perfectly free from all observation, to going through the chamber of this man in the way he has described, with the inevitable certainty of being exposed to remark, at a time when a fire was burning in the room, and this too, from a person who had recently entered her service, and of whom she knew nothing. The whole of this story savours of absolute improbability and absurdity; but the fact to which he has sworn, of her going up to his bedside and looking in his face, still more clearly proves the monstrous

falsehood of the statement. This, indeed, might be a very likely circumstance to have occurred in the detail of a robber's story, or in the conduct of a person who meditated a midnight robbery. I will not say with what aptitude such a circumstance might have occurred to the mind of this man, or to persons who are adepts in the mysteries of such transactions. Nor will I advert to the probability of a person entering a house at night, for the purpose of robbery, and going to the bed-side of a lady, in order to see whether she was fast asleep. This would be all very natural in the robbery of a house, and would be perfectly consistent in the conduct of a thief, who, if he found the lady asleep, would be satisfied that she could give no alarm so as to prevent his proceeding; but for a person going to commit adultery, whose face is well known to the person he sees; that person known to be his mistress, and, above all, the Princess of Wales—for that person to go up to him and look in his face without any motive, or any probable cause, and at the imminent peril of exposing her conduct and character, is the most unaccountable and silly invention that ever occurred to the mind of man; and it shews, what has happened to this case, that the improbability of the story proves its own falsity. Before I finish the observations I have to make on this man's story, I would farther remark upon his statement as to the time when Bergami began to dine with the Princess at Genoa. In this respect he appears to have completely falsified himself, because it was quite notorious that Bergami never dined with her Majesty until months after she went to Genoa. There are other particulars in his evidence of the same description, upon which, however, I do not think it at present necessary to dwell. I prefer calling your lordships attention rather to that part of my statement which refers to transactions of a later date. Your lordships will recollect that part of his evidence which related to the circumstances of his quitting the Princess's service. No man who heard that part of his evidence, can doubt that he was guilty of a gross and deliberate falsehood—and it is not to be believed upon so important a part of his evidence, I think that dispenses with the necessity of proving, that, in every tittle of the

rest of his evidence, he is steeped in perjury. It was material for him, in his opinion, in order to entitle him to credit, that he should raise his character to the highest estimation, and, in doing this, he flourished about the cause of his quitting his situation. He said he did not like the bad people by whom the Princess was surrounded—an assertion which he made, for the purpose, first, of raising his own character, and then of debasing the society amongst whom the Princess moved. But that assertion turned out to be false, and I will shew your lordships his falsehood from his own conduct; for when he was questioned whether he did not ask to get back again into the Princess's service, his answer was, "I don't recollect." Thus sheltering himself under the affectation of an infirmity of memory, rather than giving a decided negative to the question, because he was afraid he might have made such a request; and that if he did, we might produce to whom he made the application. But what is the next question? "Did you not apply to Schiavini?"—"I did." So that he corrects himself at once. An honest man might not have immediately recollected a circumstance which occurred him, but after being told it might be brought to his memory. But would such a man conduct himself in the manner in which this witness has done? First, he pretends want of memory; and then, upon being asked the question more pointedly, he does not simply say, "I do recollect," but instantly afterwards he enters into a minute detail of all the circumstances connected with the transaction, shewing that at that very moment the particulars of which he affected ignorance were strong and perfect in his recollection. A flood of information comes from him, and he not only gives us a simple affirmative, but he tells us all he said to Schiavini. His conduct in this respect is most material for your lordships' observation. He says, "O yes," and with an affectation of pleasantry he says, "Oh yes! O yes! I made the application, but it was in a sort of joke—just as a person applies in a joke for any thing." That may be so—it is possible—but if it was in joke, it is a joke which shews that he is a perjured witness. There is no way for him to get out of it. If it was a joke, he was perjured, and he answered directly in the negative;

he was equally prepared. Then he is asked, "Did you not make several other applications to another person, named Hieronymus?" These could not be all jokes—he could not have joked several times upon the same subject. His applications to Hieronymus could not be all jocular. What is his answer? All at once he says, "Non mi ricordo." Now I say, that in every instance where this answer is given, he is guilty of gross, wilful, and corrupt perjury. Can any man believe him in his first assertion when he says, that he left the Queen's service from the horror of the people who surrounded her; and in the next place, can he be believed when he says, that when he made the application to Schiavini he was only in joke. Which ever way his answer is taken, there is no way for him to get out of the imputation of wilful perjury. This answer to the question whether he made application to Hieronymus, proves him to be guilty of falsehood—falsehood, because if he were an honest man he could not have given such an answer. But your lordships will recollect the way in which he told us he had made the application to Schiavini. It was done with some flourish and figure. He said with a tone of indignation "I had rather eat the grass of the field than go back to the Queen's service." Is that the language of a true or a false man? After he had made the application he had confessed to have made to Schiavini, can it be doubted that this was a false pretence, and is his perjury the less apparent, when he will not venture to swear that he did not make other applications to get back to the same place. I say, then, that he has disqualified the whole of his testimony by his answer of "Non mi ricordo," an expression to which he has universally resorted for the purpose of sheltering his falsehood, and suiting the purpose he has in view. Placed in this position, he is guilty of perjury in one way or the other, and I care not in which. Now I wish to call your lordships' attention to the next witnesses for a moment, and it shall only be for a moment, for I have already in part observed upon the evidence of the persons to whom I allude. I mean the Captain and Mate of the polacca. There is something in the demeanour of these witnesses which is much more

consonant to pertness than to candour, when they answered the questions put to them. They pretended to be extremely angry in having it supposed that they were not telling the truth. They give flippant and impertinent answers to some of the questions administered. For instance, the mate was asked whether the guns were on deck, and he answered "to be sure—they were not in our pockets"—and we are told that this was a respectable witness, whose demeanour did him great honour and credit—that he was a witness of infinite importance—of so much importance indeed that my learned friends split him into two; for of the five witnesses that we were promised from the polacca, only four were produced. Being asked whether he came from Messina in a carriage, he very smartly answered, "You do not suppose we came on foot." I certainly was somewhat surprised at my learned friend's compliment upon the respectable demeanour of this witness. But be it so—be it respectable, I will go into the substance of his evidence. In the first place, I will venture to say, that a better paid witness—a better paid Italian, for work and labour done, than this man never came within my knowledge. He told your lordships that he was staying here at the rate of £2,000 sterling a-year. He was the mate of a trading vessel in the Mediterranean. He is now, it seems, the fourth part owner of the vessel in which he served; so that, in fact, according to this proportion, his residence here is not accounted for as a matter of compensation, but as reward. According to his calculation the vessel must earn £8000 a-year, which in Italy, reference being had to the value of money in that country, would be adequate to £16,000, or £20,000 a-year in this. Why, I venture to say that there is not a single ship-owner in Messina, who makes half the money by all the ships that he is enabled to employ in trade. I mean to say, that that is impossible from the nature and state of that country. A man with four hundred pounds a-year there, is considered in the greatest affluence; and there are none who have £1500 a-year, except the great noblesse, who have large landed property. Will it then be believed that this man's miserable

polacca could earn £8,000 a-year? Why, the names of these persons would have resounded over Italy as being the richest men on the earth; and there is not a person going from this country to that, who would not have tried to obtain a letter of recommendation to them. Why the fact is, they are paltry shippers, whose names are scarcely known in the street in which they reside. The cobbler who wrote a history is better known, and yet we are told that this man's miserable investment in a wretched polacca is worth £4000 a-year, which in his country is nearly equal to £12,000. in this. This obscure individual is paid in this enormous proportion for his supposed loss. But he does not merely receive his £2000, but he is also lodged and maintained free of expence. It will, however, be recollected, that this payment cannot be considered as any remuneration for the loss of any property he had sustained. It is said, indeed, that this is compensation for the loss of his profits. Be it observed that the ship is not here. Her presence is not necessary to his attendance. She is at sea with her people on board earning freight in the Mediterranean. I deny then that this is the nature of a compensation for loss. It is in fact reward for his evidence in this case. The same observations and arguments apply to the Captain. And I shall not go through them in this stage of the proceedings. But your lordships will recollect, that there was in this case a quarrel between the Captain and Bergami. He tells you, with some *naivete*, that he had to support himself and twenty-two men during the time he was in the Queen's service, and that he had received but one fourth part of what he was entitled to as a compensation for his trouble. You see, therefore, that he has an additional motive for coming forward to swear against his ancient friend. But your lordships will recollect what he said with reference to his employment by persons of rank and distinction. He told your lordships, that when he was in the service of royal persons, he looked more to the uncertainty than to the certainty of reward: a proposition that involves a great truth, a truth which may be here understood in a very interesting point of view; and as it respects himself, shows most clearly

that he looks to something beyond his stipulated agreement for the services he is to perform. It is true he has agreed for a stipulated sum; but, according to his own understanding of the dignity of his employment he expects some additional compensation to that for which he has agreed. Then I only stop for a moment to remind your lordships that, according to this, his expectations are not limited to his annuity of £2,400 for the supposed loss of the profits of his ship, but he looks to something for coming forward to swear in behalf of his royal employer. He will naturally say, if while I was employed in the service of royalty, and the royal consort gives me so much with an understanding as to the uncertainty of the amount of remuneration, how much more am I entitled to receive from her illustrious husband, in whose service I am now retained. I am certain of receiving £2,400; and if I go through this business well—if I am useful to my employer—if I make out his case—if the case comes right through, and no accident happens, I shall get what will make a joke of the £2,400 for my share of the skipper employed in the Mediterranean. But this is not all respecting money matters. I mentioned the inducement of reward, but there is another inducement. Has he no spite to gratify? His testimony is bottomed in revenge. I have a right to say that, for he had a quarrel, as he himself distinctly stated, with Bergami, whose business it was to pay him this money for the use of his vessel, and he complained to his own ambassador that Bergami kept £1300 from him, which he ought to have been paid. As soon as he made the complaint, he desired it to be forwarded to the English government; and it is in this way he became known to his Majesty's ministers. The only knowledge which the prosecutor has of this witness, is that which he himself states, that he made a complaint against the Queen and her Chamberlain for not having paid him £1300; and he adds, that he is now come to London to see after this money; and I warrant you his introduction to the minister is not the less agreeable from finding that his evidence will be useful to his employers. There are other matters in this man's evidence, which deserve the attention of your lord-

ship. I think a Princess of Wales, on board a vessel, sitting upon a gun, with her arms interwoven with those of a person acting in capacity of servant to her, and in the act of kissing her, is not a circumstance of such ordinary occurrence, as to make it very likely that the captain and mate would forget the most important particulars of it. The fact, however, is, that they both differ most materially from each other in their history of the transaction. The mate says, that the Queen was sitting upon a gun with Bergami, and they were supporting one another. In the same page of the evidence he afterwards says that they were sitting, not on any gun, but near the mast, and she on his knee. Now the sitting upon the gun and near the mast makes this a matter of importance; for this reason, for as the mate says they were sitting near the mast, he considers it a circumstance worthy of notice, and mentions it as a remarkable fact; and it was one which he need not have particularly dwelt upon. He accordingly says, that the Queen was upon Bergami's knees, not on a gun, but near a mast, and he does not say one word about kissing. He forgets that most important part of the old story, for which reason I trust your lordships will agree with me in thinking that it did not in fact happen, and it could not have happened for this further reason, the captain swears differently. He says she was sitting on Bergami's knees upon the gun, and not near the mast, and in that position they were kissing. But then do they speak of the same time? Yes; for he says, immediately that the mate saw the transaction as well as himself. The mate says he never saw it; he won't swear that he saw it, and yet the captain saw it. When examined separately, however, they totally differ from each other. It is quite obvious, therefore, that that story cannot be true. Now what think you of his desiring your lordships to believe, that he was so afraid of the morals of his mate being contaminated, that he desired him to go to another part of the ship. Poor youth! Educated in that primitive ancient garden of Eden, before the fall of Naples and Messina: when the captain saw Bergami leaning over—
not touching the Princess—nothing indecorous going forward—nothing improper—nothing even light, but

merely leaning towards her, he was so shocked, that he immediately desired his mate to go away about his business—his mate, who it appears was under his special care in a moral point of view by virtue of that relation! It was true indeed that he was a distant relative, and, therefore, by the ties of blood, he felt that his conscience was responsible for the purity of the morals of his relative, and, therefore, lest they should be in any danger for a moment, he desired him to go to another part of the ship where purer company was to be found. There are people who believe all this, and who think it is very probable. Observe, that he never says the Queen desired him to go away, and that he never received any order from Bergami on the subject. But the virtuous captain, educated in the modern Mediterranean, so far superior to the ancient sea of that name, will not allow this mate, this relation of his, to remain near a scene so injurious to his morals. There may be, I say, those who believe this. I cannot answer for people's belief, but this I am sure of, that those who believe the mate's evidence, cannot possibly believe that the captain has spoken that which is true. There is no way out of this difficulty, for they cannot both have told the truth. If the mate is believed, you are driven to this necessary conclusion, that the captain, according to his own character, cannot have told you a gratuitous falsehood, because it is quite obvious that he meant to earn his money, and therefore it cannot be said that his falsehood is gratuitous. The whole of his evidence tends to shew that he is determined to lay the foundation, not merely for the claim of compensation, but for the additional uncertain reward which he expects when he deals with royalty. He is to have a certain sum by agreement—he expects, beside the £1300, which he has come to seek, and according to his own rule he expects something for extraordinary services. Now one more observation upon the testimony of these two persons. You see how well drilled they are. Indeed, so much so, that I hold them up as perfect models for those who practise that art in which they seem to excel. They are truly high finished specimens of what witnesses should be in a case of this description. Whatever their character may be,

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They are certainly the best of the kind in that magazine of test money, so near at hand; and it seems that their value is to be estimated in proportion to the amount of their pecuniary expectations, for the greater their demands the more their worth is valued; but happily there are bounds and limits even to their expectations, for otherwise God pity the innocent who are exposed to the effects of such evidence. They appear to be lineal descendants of the doctors of old. They would have you believe that they are the most innocent and pure in their motives, and that they had no other cause to serve than that of truth and justice. We have it, however, in proof, that they have lived together—supping, breakfasting, and sleeping in the same room; but yet they would persuade your lordships that they have no intimacy or connection with each other, though professionally united as master and mate, and connected by ties of kindred. Your lordships will recollect the tone and manner of the gallant captain, when he was asked whether he had communicated with his mate or spoken to him upon the subject of the evidence he had given, touching this inquiry, “I am not a man, says he, to speak upon such a subject.” “What subject?” for I had a mind to know what he meant. He answered, “I am not a man, to speak on this subject out of court. It would not be decent. It would not be fitting that I should ever say out of doors, a word of what I say in this House.” “Did you speak to your mate upon the subject?” “Never. Never. It was agreed that we should never speak on this subject,” for so he answered my learned friend Mr. Williams, who sifted his evidence in his able cross-examination. “Did you not state that you had agreed never to mention to your mate what you stated in evidence?” “Yes, certainly, because it is very improper for any person to state out of doors what they have said in court.” This brings me to what is a feature in the characteristic purity of the evidence which has been adduced. In the violation of good taste, in the offence offered to public morals by this ill-omened proceeding, it ought to be some comfort to us that there is at least one little spot in this land, secured from the contamination which spreads the country, alarming

every good man for the morals of the community, and that little spot is no more nor less than Cotton Garden, in the vicinity of this house. When the whole island is saturated with the indecencies which have come forth from the green bag, it is a matter of great consolation that in Cotton Garden, the most strictly modest matron, the parrot virgin, need be under no alarm that her countenance will be suffused with a blush; for, it seems, that among the very agents of this plot—among those who have made the country echo with the indecencies and abominations of their evidence, there is not one whisper stirring about those falsehoods, to which they are brought here to depose. So the master would have you believe, in his anxiety to raise his character, and bespeak your lordships’ good opinion.

My lords, the course of these observations has now brought me to personages of still greater importance in this case than either the captain or his mate, although the Solicitor-General stated them to be witnesses of no infinite importance. I mean Dumont and Sacchi. I trust I shall be excused from conpling these individuals together—when it is recollected how much they resemble each other in all the material particulars of their history, as they are connected with this case. Both were living under the roof of the Queen, enjoying her bounty—both were dismissed—both wished to be taken back—and both were most unwilling to leave. Connected together by the same ties, living together in great intimacy, inhabiting the same romantic mountains of Switzerland, and, after their arrival in this country, still maintaining the same unshaken friendship—alike assiduous in the pursuit of literature, and equally ardent in their studies to attain a knowledge of the English language. Both possessed of that knowledge, and yet both preferring the aid of an interpreter in giving their evidence—in fact, both resembling each other in so many points, that it was difficult to find in what they differed, a resemblance that must strike their lordships’ minds most forcibly in the course of the observations which it will be my duty to make. I am anxious, however, to remind your lordships of what sort of person Dumont has described herself to be. It signifies very little what we shall say by our evidence

show her to be, and I would rather take her account of herself. She is a person of the most romantic disposition by nature—and this she had improved by practice with the world. She is an enemy of marriage, as she says in her letters. She does not like man, unless in the abstract—"Potius amica omnibus quam insensica," but she is the true friend of one man—of Sacchi, whom she describes as an Italian gentleman; but he, ungrateful man, would not return the compliment by acknowledging her to be a countess (laughter). "Marriage," she said, "she did not like—she loved liberty," "the mountain nymph, sweet liberty,"—and in pursuit of her among her native hills their lordships would not fail to see into what company she had fallen. Were these to be reckoned among the accomplishments of this lady? By no means: she was the most perfect specimen, the most finished model of a waiting-maid the world had ever seen: none of her own writers, and none of ours, whom, no doubt, she had studied, had given such a pattern for imitation; Molière, Le Sage, Congreve, and Cibber, had all fallen far short of this admirable original; I do not mean that all her qualifications have been developed at once: some of them have gradually made their appearance under the cross-examination of Mr. Williams, when she showed that her education had done honor to her natural abilities; she showed that she was gifted with great circumspection, that she possessed much readiness in adjusting one part of her evidence with another, and great skill, if the eternal laws of truth allowed it, in blinding and deluding her hearers. She evinced not a little readiness in reconciling the story she had told with the contents of the letters produced, which letters she had not forgotten, though she did not know now that they were still in existence to be produced against her. Had she been aware of their preservation, and had her patrons known their contents, their lordships would never have heard of her: she would never have been produced as a witness, but would have been shipped off as many others had been, like so much fresh meat or live lumber for their native country. But her constant mode was to deal in *double entendres*; Sacchi did the same; so that it was impossible to know what they really meant; to them indeed might be applied what

formerly had been said of the Greeks—"tribuo illis litteras, do multarum artium disciplinam, non adimo sermonis leporem, ingeniorum acumen, diffendi copiam: denique etiam si qua sibi alia sumunt, non repugno: testimoniorum religionem, et fidem nunquam ista natio coluit: totiusque hujusce rei quæ sit vis, quæ auctoritas, quod pondus, ignorant." I have heard, with no small surprise, that the candour of this lady is praised, that her eviſsence has made, on the minds of some persons, a strong impression, merely because she admitted some facts rather injurious to her own character; because she acknowledged that she was turned out of the Queen's service, that she was sincere in some of the praises bestowed upon her illustrious mistress, but not in all. I beg your lordships to attend to other parts of her testimony. When asked, "Were you in want of money?" The answer was, "No." "When you wrote to your sister did you say you were in want of money?" "I might have said so; but it was not true." So that, *in verum natura*, according to her own account, there was no difference at all in her mind between truth and falsehood. This being the case, I feel no small degree of astonishment at the praise given to her candour. I need not tell any one, unless, indeed, a person fit only to be turned out into the field among those animals who are often abused in using them, that her ingenuousness in admitting that she sometimes spoke falsehoods, was not to be taken as a certain criterion of truth. Was this so charming a blandishment, that it must at once open a favouring and credulous ear to all the lies this amiable personage might think proper to tell? Because she was ingenuous in acknowledging facts which could not be denied without certain detection, without ruin to her own hopes, and the cause she was brought to support, must she be addressed in the language of confidence and endearment? Oh! sweet and amiable Swiss shepherdess, how candid, how innocent you are.—(A laugh!) I never before knew any thing like citing as a proof of credibility that candour which confesses to falsehood and prevarication, that candour which in fact proves that a witness is not to be believed. As to her explanations it is impossible to admit them. Her *double entendres* do not fit. Her intention in

the letters is, from the letters themselves, quite intelligible. It is rendered unintelligible by taking her cipher. It is doubtful only when she begins to envelope it in her own falsehood and lies. A plain honest man, solely intent upon telling the truth, never entangles himself in such a miserable web. He moves forward in the evidence he has to give, exciting no suspicion in his progress, but goes powerfully on to his object, tearing through all such flimsy impediments. I trust your lordships will believe this woman to have been sincere when she praised her illustrious benefactress, that she then spoke in the eloquence of feeling, in the ardour of gratitude, in the sincerity of a heart not yet forgetful of favours received, and that it was only in consequence of her dismissal, in consequence of the refusal to take her back, in consequence of the promises held out to her, that she entered into this business, and joined the band of the other conspirators who were arrayed against her illustrious mistress. It would appear that she was kindly and warmly attached to her own sister, that she loved her sincerely. She said that the principle on which her conduct proceeded was anxiety for the welfare of this sister. I take her own account of the matter, though I do not believe it. She represents herself as affectionately attached to her, and does every thing in her power to procure her a place in the service of the Queen, in that house, which, if all or even half of what your lordships heard at this bar be true, should be considered, as my honourable friend, the Attorney-General, said, not as a palace but a brothel. Her letters, however, in which she solicits a place for her sister, were written after she left this brothel, after she made application to be restored to the service of the Queen, and was refused. Can these circumstances be believed in connexion with each other? Though we may account for her anxiety to continue one sister in the service and to have another received into it, what explanation can be given of her own application? They were poor; she, according to her account, was rich. She had no occasion to go back. How is this to be explained? Must we say that the prudent and frugal Swiss chambermaid balanced against each other the profits and disgrace of the

situation, and that the former preponderated in her mind; that she was willing to act upon the principle of that Roman Emperor, who, so he raised a tax, was not over solicitous as to the nature of the material? However this might be, whatever were the motives of this chaste and delicate shepherdess, certain it is, that many months after her dismissal, she endeavoured to get into the service of the Queen one sister, who was only fifteen, and to retain in it another sister of seventeen. Such is her own account of the matter. I do not after all believe she was so bad, that she was so regardless of her sister's morals and welfare as to desire they should fill a situation in the Queen's house if she thought it to be the brothel described. I believe she was sincere in her letters in her praises of her illustrious benefactress, in her wish to return to the service, in her desire that her sister should continue in it; but I believe, when she was dismissed, when her application for being again taken back was refused, she then joined in this crusade against the Queen, and gave her testimony in utter ignorance that these letters could be brought forward against her. So much for this lady and her virtuous testimony. I observe, my lords, with great surprise, a most pleasing symptom of liberality in the present times—I allude to the reception which Sacchi met when he was presented here as a witness. This shows how the age is improved, and how we are rising above those vulgar prejudices which a few years ago were entertained against the French, and their leader Buonaparte. I remember the day when few persons would have ventured to bring forward a principal witness in any case, much less in one of this delicate nature, who had been a soldier of Buonaparte, who had served during many campaigns with him, and who had been promoted by that Corsican usurper—that revolutionary adventurer—that tyrannical chief: then a French hussar would have almost been considered another name for every thing that was profligate and abandoned. However against the Queen of England he is thought a witness good enough; and, coming to England, he took upon himself the character of a gentleman; and he that had been once a common soldier in the French army, and afterwards a courier in the service of the Queen, was

brought forward as a person on whose testimony the utmost reliance might be reposed. I did not object to him that he had been a soldier, though perhaps I did not think that the Italians in the French army, and especially those from the north of Italy, were usually the most scrupulous of mankind. Sacchi, too, dealt in his *double entendres*; besides, he had gone by three whole names and a diminutive; two of them were known, and one yet unknown, but by three names and a half he had gone. When he came into this country, and was within the four seas, with Dumont, he began his *double entendres*, and he was not satisfied with one any more than with one name: he had got into the habit of dealing in *double entendres*; and accordingly his first was, that he had come here in the service of a Spanish family; his second regarded a law-suit, which had occasioned his visit to England. Most stoutly denied, however, that he received any pay from his present employers; yet having been very unwillingly turned away by the Queen from the low office of a courier or equerry, he came to England, and lived like a gentleman of fortune. He resembled Dumont in another respect—they both showed the same want of connexion between their speaking and writing. He was asked how much money he had at his banker's at Lausanne, and he answered fifty Napoleons. "Had you never any more?" "Positively not." He was then asked whether he had never said that he had had more? What would have been the natural answer if any man had ventured to put such a question to one of their lordships? What would have been the reply? "Certainly not;" because it had already been stated that no more than fifty Napoleons were, in fact, at the banker's. A letter was then shown to the witness, and he was asked, whether he had ever said (for I was not allowed to ask whether he had ever represented) that he had been in a miserable situation, and had taxed himself with ingratitude, and wished to be restored to favour. He answered, "Never;" and that he never had been in a destitute situation. The next question was, "Were you ever in a situation to require compassion?" "Never." "Did you ever ask any body to take compassion on your situation?" "That may be so." "Are these letters your hand-writing?" "Yes." When the

letters were read it would appear in the plainest terms that he had taxed himself with ingratitude; and yet this honest man, this soldier of Buonaparte, sheltered himself under the word "say"—and because he had only written that he was in a distressed situation, he swore that he had never said it. Would any honest man think, that such a pitiful quibble would avail him under such circumstances? But their lordships would remember what passed afterwards; for I now come to a providential accident, if I may use such contradictory terms in compliance with the common understanding of them. I now come to an accident, which I call a Providence in favour of innocence, which is always the care of Providence. Sacchi was asked—"Why did you change your name?" and he replied—"on account of the tumult which happened, and which made me know I should run a risk."—"When did you change your name?" The answer well deserved observation. "A year ago." When he gave his first reply, he did not recollect that the tumult at Dover took place in 1820, and that he changed his name in July, 1819, before he came to this country. This was a providential circumstance, by which conspiracies were detected, and without which every one of their lordships might be victims to-morrow. I call upon the house to give due weight to this observation, and to mark how it is borne out by the evidence. The Attorney-General, very judiciously seeing its consequences, did not pursue this inquiry; but some of their lordships continued it: and thus a perfect picture was drawn of a shuffling witness, prevaricating and beating about the bush, to shelter himself from the consequences of an unlucky slip, by which the whole credit of his testimony was overthrown. The confusion, the embarrassment, the perplexity of Sacchi on this occasion could not have been forgotten. He was asked at what time he had changed his name? He answered—"Four or five days before I set out for England. When was that? In the month of July, last year.—What was your motive for taking that name, at that time, at Paris? To shelter myself against any inconvenience that might happen.—What tumult had taken place at that time to induce you to change your name? I was warned that the witnesses against

the Queen might run some risk, if they were known.—Had you been informed that they had actually run any risk? They had not run any risk then.—An opportunity was now afforded, of which any honest witness would have availed himself, of explaining the whole fact, for his former question and answer upon this point were read over to him. Sacchi, however, had only involved himself in new difficulties, in endeavouring to escape from those he had already encountered: he stated, that, while at Paris, a gentleman came, accompanied by Krouse, and told him, that it would be necessary for him to change his name, because it would be dangerous for him to come to England in his own. "Did he tell you that any tumult had taken place?"—He told me some tumult, some disorder." "On what occasion did he say that tumult had taken place?"—He told me nothing else." Being further pressed upon this point, he had resorted to the invariable expedient of witnesses, when driven into a corner, by stating, "I have repeated what that gentleman told me." I could not deny what Sacchi might have imagined; but I insisted that it was as impossible that any gentleman, known or unknown, could at that period have given him this information, as that any man should, by chance, have written the *Riad*. I am afraid that your lordships do not feel this point with the force it deserves; of course, at the present moment, every body talked of tumults at home, on the arrival of witnesses against the Queen; but going back to July, 1819, when Sacchi first changed his name, what man, in his most fanciful mood, ever dreamt that such a tumult would occur in 1820? In fact, it was nothing more than an invention by the witness to cover his retreat from a position in which he had been unwarily entrapped. It was only by such circumstances as these that perjuries were detected, and this leads me to remark, that if witnesses are convicted of untrue swearing on collateral points, how trivial soever they may be, it puts an end to all their credibility in the main facts of the conspiracy. One of these main facts, as far as related to the evidence of Sacchi and Rastelli, another discharged courier, is of a nature so disgusting and offensive, that I feel it difficult even to make the slightest allusion to it. Do your lordships think

it very likely that any woman—I might almost say, the most miserable prostitute discharged from Bridewell—would commit, in the face of open day, what had been charged against the Queen by Rastelli? Would they believe, that with the knowledge that a courier was travelling by the side of the carriage, the blinds of which might be raised, the Queen would run the risk of blasting her character, even among the most abandoned of her sex, by going to sleep in the position described by Sacchi as that in which he had discovered the Princess and her chamberlain? But the credulity of the House must be stretched yet many degrees; for if it could persuade itself that this had happened once, it would be nothing to what Sacchi had sworn he had been in the constant habit of seeing, again and again. I appeal to your lordships, whether this story had the smallest appearance of probability; whether, unless the parties were absolutely insane such conduct can be accounted for. I am saying nothing of the physical impossibility of the thing, at a time when the carriage was travelling at the rate of nine or ten miles an hour, over such roads as are found in that part of Italy, with their hands placed across each other, while the parties were both fast asleep, and, of course, without any power over their limbs. To overcome this difficulty would require the evidence of philosophers, who had witnessed an experiment so new and so strange. The witness had not ventured upon any description of the carriage, excepting that it had curtains; but what would their lordships say, if it should be proved to have been an English carriage, with glass and spring blinds. What if I shew that the blinds could not be raised without opening the door to get at the springs upon the inside; and still more, what if I should prove that Sacchi was not the courier who went on that journey? I do not say it is necessary for me to prove this; on the contrary, I deny that I am called upon to do so. Why had not the other side established their case; and if cast-off servants would not afford them a sufficient evidence, why had not they resorted to those still in attendance upon her Majesty? I again entreat your lordships to remember—for it is a cardinal point, that ought not to be forgotten—that an accuser is not relieved from producing sufficient evidence, by

cause good witnesses are to be found on the side of the accused. I had no right to call upon the accused to produce those witnesses; for it is the business of the accuser to establish guilt by all the evidence he can produce. But was there any other person in the carriage? "Non mi ricordo" was the answer of Sacchi, adopting the language of the celebrated Majocchi: and this question was not put to him by surprise, nor was it a point that might have escaped his memory. It was a thing he could not have forgotten: he must have made the observation, whether there was any other person present, while the Queen and her chamberlain were lying there exposed. In the next place, after a person had witnessed such a scene, was it likely, that, from that moment, his lips should be hermetically sealed?—that he should never even whisper it to any person?—that he should never dream of confiding it to the willing ear of the gentle, romantic, and sympathetic Dumont? He had long enjoyed a soft intercourse with her, both here and abroad, and if he never whispered it to her, it no doubt arose from that extreme delicacy which prevailed between them to a degree unknown in regions less pure and refined. When the question was put him, whether he had not related it to any one, he pursued that course which he thought most safe and best calculated to screen him from contradiction; "I told it to people," said he, "but I cannot recollect any one to whom I told it." Did not any man perceive, that if such a thing had passed, and he had been an eye-witness of it, and had afterwards related it to any one, the witness could not have failed to recollect to whom he had so told it? I now come to Kresse's story of what happened at Carlsruhe.

Earl GREY here interposed, observing that four o'clock, the hour appointed for adjourning, had arrived, and the learned counsel did not appear to have arrived near his conclusion.

The Earl of LIVERPOOL said, that if an extension of a quarter of an hour would have been sufficient for the conclusion, the House would probably not have objected to proceeding; but that, in the present instance, did not seem to be the case.

The LORD-CHANCELLOR added, that it would be impossible for counsel to do justice to the case, if they were

limited within any specified time. He thought it much better that the House should adjourn till to-morrow. —Adjourned at four o'clock.

WEDNESDAY, October 4th.

Several papers containing an account of the sum and supplies granted her Majesty, for her trial, were laid on the table. And, after a few observations from Lords Darnley and Erskine, the latter of whom handed some papers across the table, counsel were called in, and

Mr. BROUGHAM resumed.—How comes it to pass, my lords, that with no want of care, with much effort and managing, with boundless resources to bring those efforts into play, that there should be one remarkable deficiency in the case on the names of the witnesses being announced; and by that deficiency, I mean that want of balance between the countries from which the evidence has been brought, you will perceive at once, my lords, the great unfairness in the number brought from some countries; so that while the Italian states are represented by numberless deputies, I will not say of all ranks; but of the lowest of the low—of the middle ones, the moment you come across the Alps, you find Switzerland represented by a single virgin, and the whole of the circles of the German territory by one solitary nymph here; the capital of that country has no deputy, and during the entire of the tour made by her Majesty not a single delegate has been sent over to aid in the drama which has been so long preparing. From the place of her Majesty's nativity, and where she must have been well known, you have no delegate; and all you hear on this side of the Alps, is a chamber-maid, or a serving-maid, and a cook or a waiter, or an assistant to a cellar-man, (for it appears he has gone through all these situations.) But this woman is the single evidence for all that occurred in that part of the world—and the same simple Swiss is the one selected to assist the greater number of the Italians. I beg your lordship's pardon, there are two grand exceptions, but these I call my witnesses, and not those of my learned friends.

My lords, I now come to call your attention to the single German witness, and to whom I find myself obliged to have recourse, for the purpose of obtaining a knowledge of her peculiar

qualifications. She is not an unfavorable witness; but, except in the case of the Queen, she is the only person who has fabricated something against herself. Kress, according to her own account, had the unimpeached and unimpeachable character of a chamber-maid at a German inn. If you calculate her years when she entered it, as compared with her age when she here gave her evidence, you will find she was about thirteen years old when she first became a chamber-maid; where she lived after, or where or whom she served, it is not quite so easy to discover: but all impediment to this is speedily removed, by knowing the motives she had for not informing us how she passed her time, until we again find her at the inn where her Majesty is alleged to have been attended by her. Kress tells you she lived with Mr. So and So. She tries to sink upon us; but it at last comes out, that in all the instances (with one exception) where she lived, unless when she was somewhere employed in a laundry, that in all other cases her place of employment was an inn, and no other place. She has left us here some little room to see the nature of her character and pretensions. First, then, we find in what manner she was induced to give her evidence. For if she exhibited a considerable unwillingness to come here; it was not in consequence of any lack of agents, who were there found in continued numbers, continued activity, and unabating resources—agents against whom I have to charge much greater impropriety than in any of those who have figured beyond the Alps. I adduce to your lordships' notice Grimm, and I shall trace his connection for you with the present proceedings. He and Reden, who succeeded Ompteda at Rome, who was one of those that dared to treat the Queen Consort of England, who was his Queen, as well as she is your Queen, my lords, with those insults, which would have rendered it impossible for her to remain at Rome, even if the vindication of her honour did not render her departure a matter of necessity. Grimm and Reden, and another whose name is not present to me, but one of those with a long German name, which will be found in the evidence, a minister at the court of Baden, were the active and unscrupulous agents of the German scenes in this drama. Grimm in his zeal, scrupled not to throw off all those feelings

which a man may not dismiss in private life; he considered he would be justified in doing that as a minister, which would disgrace him as an individual; and, to please his employer, was satisfied to call down the indignation of his country upon him. Provided he thought his master would cover him with rewards, he did not care to degrade himself in his private capacity as a man: and he would, no doubt, have been disgraced and degraded in the eyes of mankind, if he were not regarded as acting in the light of a diplomatic agent. Grimm was living in those apartments which her Majesty occupied. On her arrival he artfully gave them up; he accommodated her with the use of his rooms; he kindly left his apartments, and disinterestedly suffered the inconvenience resulting from it; he courteously gave them up for her Majesty's use; and the moment she left them, the very day on which she departed, he returns to the same rooms—he is found, with one of his coadjutors in the conspiracy, running up and down, to use the words of Kress; he is looking over the furniture, prying into the beds, and taking notes of what passes, no doubt, with a notion of giving satisfaction to those, whom I know to be above such a dirty business. Grimm is every where seen as the runner in the conspiracy, the sedulous agent of the machinations against the Queen, regardless of his own dignity, forgetful of the dignity of the sovereign whom he represents, he still acts in the manner which I have just described. With all this, however, he does not condescend to be a witness, he does not adventure to come forward here, he does not show the same courage here, that he did to draw upon him the reprobation of his countrymen; and though of paramount importance to that part of the case in which Kress has alone been called, they have not ventured to bring the Baron, this agent, this representation of royalty before your lordships. The importance of his testimony you will still, my lords, feel to be heightened, when you reflect for a moment that he entered the room the moment the Queen left it, and should therefore have been called to confirm the truth of what Kress told you. Let us, my lords, pursue Kress a little farther. Let us look at the contradictory account she gives of her motives for coming over to give her evi-

dence. Twice over she swears she was forced to come by compulsion; and yet only turn the next page, and you'll find she made a bargain for her coming. She would not adopt the difference in the German words for compensation and remuneration. She would not say one word, except that she was brought here by compulsion; at the same time that it was accompanied with a trifling bargain. What reason, my lords, had she to expect any thing without a bargain? In what liberality did she confide as the ground on which it would be meted out to her? You will see in her evidence with what reluctance it was wrung from her that she was to have had any compensation. She is asked, "Were you ever examined?—Yes. When?—I was taken to Hanover. What had you for going?—I don't recollect, it was so little; it was a little, very little." Why, the less it was, the more easily it could be remembered; but, it now turns out, it was easily remembered, because it was so great. "A little, very little." What is the mere little, the very little? What, if it was six times larger than her whole year's wages? What, if this "very little," this mere nothing were ten times greater than her wages and perquisites put together? What if one trip to and from Frankfurt, which might have occupied about ten days or a fortnight, this mere nothing, which she drops from her memory, turns out to be double the sum she ever received in any one year, including all her payments and wages while she was in the occupation of a chamber-maid?

Now, my lords, will any man, of even ordinary understanding, admitting this to be the very first time he was called upon to exercise his faculties—will he, or can he bring himself to believe this woman did not recollect what she was paid, in consequence of the littleness of the sum, as she has sworn? Why, if it were a "very little," it must have made such an impression, as would not only prevent her forgetfulness of it, but induce to its more correct remembrance. Then if her evidence be false when she says she does not recollect what she received, in consequence of its being "very little," it must be considered as equally false, when she says she expects nothing for the future. The

same equivocation runs through her evidence, both as to the statement of what she says she saw, and as to her alleged purpose of going to Madam Oldi's room. She was sure she saw the Princess on that occasion, but it was also necessary for her to deny the precise nature of her motive for spying after her. *Non constat*, however, that the Queen was in her room, because Madam Oldi was in hers; and it by no means follows, because she may have actually seen Madam Oldi in her room, that the Princess was seen in hers. It is the well paid employment of the witness, as of all the others, in this conspiracy, for the remark equally applies to them, to swear in the terms and in the manner they have done. With respect to Carlsruhe, though Grimm was so conspicuous there, he did not come forward, nor any of his coadjutors, though he had many; nor any of the other servants who composed the Queen's suite. And why, I ask, are they not brought forward? But now, my lords, I must again cross the Alps, and find, that having previously disposed of the principal people, those remaining are used but as mere make-weight, something to fill up gaps, to connect the story, to swear at all events, though their swearing cannot advance the cause one atom. Nothing I think, my lords, can be more utterly inconceivable, than that which these witnesses have sworn, could have been seen by mortal eyes. The character and nature of the witnesses are of the lowest class—they are of the meanest appearance, and of the humblest occupations,—even after all the pains which your lordships can see to have been taken to render them producible witnesses before you. This must have struck every one, how little they were calculated to give an impression of respectability, either as to their character or the credibility of what they told. I might, my lords, remind your lordships of the sailor, one of those who kept the boat, and the only one of all who was present that has been called before you. I should suppose that none of those persons had any confidential communication with any of the parties in this case, (if parties I may allude to while contrary to all common sense I must not say there are any); but I cannot help remarking, that if any

persons had acted as has been described before eleven men, it must have struck every one at the moment, it must have become a general topic of remark, and have spread wherever the wind could waft it. But of all the swarm of petty witnesses who have been called to fill up this gap with other tales, why have none of the rest of these eleven been called? Did the sailor ever say to any one before what he has sworn here? Yes, once. Where? when? At Milan. Before that? Never.—And so it is with all the rest. So it is with Rastelli, who swears to those abominations having been committed in the face of day, while he himself was only at four paces distance. Rastelli, like all the rest, in swearing to those foul, those strange abominations, has his lips hermetically sealed from the very moment he says he saw them committed, until the period at which he appears before the Milan Commission! Ten months elapse, and still the same silence. Was he living all this time like a hermit? Did he fly to some desert—as a recluse or a solitary, hide himself from the face of men, and not communicate to mistress, wife, or friend, to fellow-boatman, or fellow-servant, what he had seen? Did no busy passenger on the lake of Como make any enquiry as to what was occurring—and though joke or jest, or for more wicked purposes, did not the corruption often practised on such excursions (which I shall prove to have taken place) render that disclosure which discretion would not allow him otherwise to have made? Amidst the many amusing tales coined for the amusement of passengers, how comes this to have been passed over? How is it that nothing had transpired even to the appointed gossips of men in his situation of life? Is it the effect of such sights to make such men silent? Would it be the effects of such sights to seal up your lordships' mouths—to make no remark even to your friends—to make no communication of it to those who, like yourselves, might have witnessed them? Even with men of your lordships dignified habits and superior education, could such exhibitions pass unnoticed, and the knowledge of them not run through all your familiar acquaintances at least? I know not myself of even one private individual—not bound to confidence—

not relied on for some reasons to keep secret such wickedness, who would not have made those wise and salutary remarks, which were not made by those low persons, who so differ from the upper ranks, and who, if we believe what we have heard, are so much more discreet—that seeing those things which must offend the eye and crimson the cheek of all not dead to feeling and to shame—they kept a most guarded silence, and so revered morals, that they did not whisper what had so shocked and stained them. In no one case, however, did they tell of these sights, until the talisman was displayed at the Milan commission, and all came forth as your lordships have heard it related! Was the Princess kissing?—why, if we are to believe all we have been told, it happened as often as the wind blew on the Lake of Como. Was the Princess riding with her servant?—a thing that happened every day—why sights, strange, monstrous, portentous (if they were exhibited), are said to have occurred. But, my lords, could they have occurred? If they had occurred, could silence have been kept respecting them for months? Could so many have seen them, and no conversation ever have ensued—or how is it that until ten months after, when the Milan Commission was established, that the lips of the witnesses were never once unsealed? They concealed those things, my lords, when they were crimes until the time came for their disclosure. They may perchance have concealed them, finding that lesser scandal had been better paid. But they kept the secret no longer than the journey to Milan demanded: and they kept it no longer than from the period it first crossed their guilty imaginations, to the time when they were so well paid for divulging it. Do your lordships recollect Pietro Cuchio? Does he not rise before you at the very mention of his name? Can you forget those ardent eyes—that nose, that mouth, that lecherous mouth, with which the wretch detailed such scenes of filthiness before you? Do you recollect the eye of that old pander in Trieste—that hoary wretch, that profligate pander—who eyed your lordships as the old tailor did in hell through the eye of his worn needle? You cannot forget his looks, and the nature of his evidence. But I shall contradict him; he shall not

pass unpunished—he must be punished. I can drag others, too, to punishment; but he, at all events, shall not escape. I shall shew that that man must have sworn falsely, both from the position of the rooms, and the situation of the doors which he has himself described. I will shew you more—I will shew you what he has sworn cannot be true. Here, or elsewhere, he must be made an example, as a pattern to others, who swear in proportion to their payment. I can show you, my lords, that the Queen slept but one night during the course of her whole life and journeyings at Trieste: that she went to the opera there, the only truth he has told—that she left it on the morrow, and never after crossed the threshold of that inn. You recollect, my lords, all the foolish stories you have heard about the pictures, about the chain, about the manner of its being thrown on, and thrown off, and all the theatrical colouring with which it was set off. Your lordships cannot certainly but recollect all this, and I am sure you cannot equally avoid agreeing with me that the Italians who coin these fictions, are not less ingenious than their countrymen are universally known to have been in ancient times: and that, whether Iachimo be the genuine offspring of our Shakspeare or not, there cannot remain a single doubt but that he is own brother to the witnesses who have been produced before your lordships' bar—witnesses who have belied a Lady Princess, Queen of this fair Isle. Well may they say,

“ Mine Italian brain
Goes, in your daller Britain operate
Most vilely; for my 'vantage, excellent;
And to be brief, my practice so pre-
vail'd,

That I returned with similar proof
enough

To make the noble Leonatus mad.

By wounding his belief in her renown
With tokens thus, and thus; averring
notes

Of chamber-hanging, pictures, this, her
bracelet,

(O, cunning, how I got it?)

Here, my lords, we have exactly the same evidence: witnesses from the same country, swearing to the same effect; and by some extraordinary coincidence, the two cases are sought to be substantiated by the same means

and for the same object. Having now disposed generally of the character of the witnesses, permit me, my lords, to advert to the different heads of charge in the accusation, or indictment, for I know not what to call it. In passing, I have anticipated many observations which might, perhaps, have more properly been introduced here; and in truth, while dealing with such a case as this, it was impossible not to have done so, however unintentionally, or however lessening the effect this might produce, if introduced in this particular place. To have done so, however, will now spare your lordships time; but I should not yet feel that I had sufficiently discharged my duty, if I do not solicit your lordships' attention to those various heads, or counts of the indictment, which your lordships are now trying under the singular title of a Bill of Pains and Penalties. The first of them, my lords, is the Neapolitan scene—there the business is said to have first commenced; there the parties are first said to have come together, and, strange as it must seem, to have accomplished that purpose, which they only appear to have conceived about ten days or a fortnight before. It cannot here fail to impress itself on your lordships, that her Majesty was, theretofore, a person of unimpeached character and unimpeachable life, proved to have been so, by so much the stronger evidence than if she had been suspected—proved to have been so under the most trying circumstances—proved to have been so by triumphant acquittals—proved to have been so, if there be any thing like justice in the world—proved to have been so by two solemn acquittals, after two searching examinations; and so much the more proved to have been so, that when one set of ministers gave her a sort of general acquittal, but still recommended her to be censured, that their successors in office, not satisfied with that scanty acquittal, recommended she should be received by her uncle and father as the purest and most spotless Princess that ever adorned the walks of kingly life. How did she demean herself the instant she was acquitted, on her arrival in Italy? Why, you are told that the character so supported, so vindicated, comes purer out of trial than if it never had been questioned, had been flung off,

and degraded—that character so commended by those very ministers who were now the instruments of her prosecution, you are informed, had become so lost and so debased as to degrade the most profligate of her sex. Can your lordships credit abandonment like this?

Her Majesty, it appears, hired a menial servant, of whom I shall say something hereafter; she then moved onwards towards Naples; and within a month after such an interval, the degradation of the Princess is said to have been complete, and the mistress of the servant is represented to have been the mistress of a menial concubine, which a person profligate for years could not so suddenly have stooped to be! The whole of the case must fail, unless your lordships believe that on the second night after her arrival at Naples the alleged intimacy commenced. If Majocchi and Dumont are to be believed, the intimacy must then have begun; and your lordships will see with what a measure of caution. Even supposing a course of profligacy could render a woman incautious, there is something in the tale we have heard that sets all credibility, all probability, at open defiance. The very first act they are alleged to have committed is the most incautious of all the rest—and this, you will be pleased to recollect, how, and on what occasion, it is brought forward. How was the room prepared for the indulgence of this criminal passion, in the gratification of which all caution seemed to have been abandoned. Nothing was prepared but a small iron bedstead. On this alone were clothes placed for the reception of any body. These were all the preparations which were made, and this, too, in a house every room of which contained a comfortable bed. In that room it was true that there was a large bed; but this had remained untouched. There were no sheets upon it to receive any person, nor did it indicate from its appearance that any body had slept in it; so, at least, did Dumont say in her first examination; but it was important to remark, that in her subsequent examination by Mr. Williams, she improved upon this statement, when he reminded her that the bed had not been much tumbled. Then, and there, for the first time, came the story of stains. What the nature of the stains

was she could not tell: no person examined her on the subject when she came out with this fact. She did not like the operations of my learned friend, Mr. Williams, on the previous day; she was not in very great charity with him—and then it was she said he would tell him more, that she recollected circumstances which escaped her memory before. The question my learned friend asked could not, and ought not, to make her remember more. I ask your lordships, could she have forgotten? Was it likely, when asked what the state of the bed was, that she should not remember it? She said the Queen returned home early from the opera, and appeared in a state of unusual agitation. I shall prove that she returned home late, and that William Austin, long before the period mentioned, had ceased to sleep in the Princess's room. What possible occasion was there for her early return from the opera? It could not be accounted for in the way insinuated by the witness. Bergami, as courier, had access to her room at all hours. It was not necessary, therefore, that she should return early. Will any person say, if the circumstance of the bed being tumbled was true, that she would not have stated it at first that she did not remember it? She recollected circumstances of far less importance occurring at distant periods. Was it likely that this escaped her memory, until reminded of it afterwards? To the question whether the bed was tumbled, she answered—"Oh yes! it appeared as if two had slept in it," and then detailed what it was impossible any person could remember, these ordinary signs, which are no more attended to than the wind that blows over one's head. I now come to the other scene, which she states to have occurred at Naples. She mentions no particular time; she will not say whether it was a week, a month, or a day, after the circumstances already detailed. She saw Bergami in his shirt, without stockings or night-gown, coming out of his own room, and moving towards that part of the corridor in which the Queen's chamber was. She did not start; Bergami did not start. She, however, made her escape, and Bergami moved on with more alacrity and steadiness of pace than a husband going to the bed-chamber of his wife. I rely, my lords, on the great features of the case

as detailed by the witness herself. On these circumstances, which cannot have escaped your lordships' observation, and these, when considered in connection, I have no doubt, are such as will leave no doubt on the mind of any reasonable man, that the witness is a person unworthy of credit. Let me now remind your lordships of another scene that is said to have occurred at Catania. It was stated to have been witnessed by two persons, by Dumont and Mariette. Both heard the child crying in the Princess's room, both heard Madame Oldi endeavouring to quiet it. What is the reason, then, that both these witnesses were not called? What motive can be assigned for it? Only one has appeared before you. No person has ventured to state that they communicated together from that day to this. They did not communicate. They could not. Dumont alone has been called, and what was her story? It is impossible that any thing could be more improbable. It carries falsehood on the very face of it. At Catania, Bergami, while well, used to sleep, not in the room next the Queen's—not even on the same corridor, but on the opposite side of the court, at a distance from the chambers occupied by the Princess and the Countess of Oldi. Having fallen ill, he removed to the Countess of Oldi's room, and there continued sick for some days. Is it not most extraordinary—does it not appear utterly improbable, a falsehood on the very face of it, that the scene of an amour should be laid in that room where he was confined with a fever—that this should be the time selected for such a purpose; not when he was in health, but when he was lying there as a patient. Such was the moment chosen for those endearments, which must be necessarily understood, if you believe the witness: such too was the situation selected for so criminal a purpose: a situation, in which detection was unavoidable, as there were two servants sleeping in the next room, Madame Oldi having quitted her's to come to that of the Princess. Does it not appear extraordinary to your lordships, that this was the mode of operation adopted upon this occasion?—Does it not appear utterly improbable, that any person not absolutely deranged, should run this risk for the indulgence of a criminal passion. It appears the more singular, if we consider that here, and

as at Naples, the intercourse, by a slight change, might have been rendered perfectly safe and easy; free at least from the immediate danger of discovery by appointing Bergami's room next to that of the Princess, and placing the maids last; or by the Princess herself taking the room in the middle. This was not done. It does not appear that such an arrangement was acted upon from the beginning to end. In every case, the relative situation of the rooms was the same as at Catania. Such were the ingenuities, the usual tactics employed by her Majesty against her own honour, her high character, her credit with the world, her happiness, and peace of mind; such was the talent, the extraordinary cunning with which she conducted this intrigue, never to do any act for the accomplishment of her purpose, without affording easy and certain means of detection. I may be told that the means are left in my power of contradicting this story, by calling Marietta. I ask, why she was not called by the accusers. I say she is their witness, because she has been alluded to in the opening speech of my learned friend, the Attorney-General; because she has been spoken of in the evidence. I contend she is your witness, because this is a criminal proceeding: it is even more important in its exigencies of pure and sufficient truth. Why not bring forward the second witness? It was in the power of my learned friends to do so, and in such a case as this they were bound to bring forward the very best evidence that could be procured. A Bill of Pains and Penalties ought to be supported by testimony as strong and unexceptionable as a case in which life or limb are concerned. I say she is your witness, because it is sought to oppress us by a Bill of Pains and Penalties; she is your witness, because by this measure, if it should pass, an injury will be inflicted on my client, greater than even the loss of life or fortune—the ruin of her fair fame, the privation of all those rights attached to her exalted situation, the overthrow of her happiness, her peace of mind, of every thing that is most dear and valuable. My learned friends were bound to call forward the other witness, and if the evidence already adduced be not sufficient, as I contend it is not, to prove guilt—if justice reigns in this

house, we should not be called upon for a defence. I can easily conceive, that, in a mere civil case, where suspicious evidence against a defendant can be refuted by calling a clerk, a servant, or a partner, it would be proper to bring them forward; but, in a criminal proceeding, there is no necessity for this. There, guilt should be established by pure, unsuspected evidence, and if not so established, acquittal ought to follow. I put the case of a person charged with robbery, or murder, and brought to trial on the oath of a common Bow-street officer, panting for his reward—a hack-nied spy, degraded by his calling to the lowest scale of turpitude, or any other suspicious witness. If such alone be put forward to prove the fact, I say the unsuspected relations of such a witness should not be called for the defence. There is no necessity for their testimony, unless the case be proved by unsuspected witnesses. The Bow-street officer anxious for his reward, the hired spy, the vile base informer, on whose oath alone the case rests, and who in their evidence have shewed themselves unworthy of credit, do not require that unsuspected witnesses should be called on for the defence. In such cases the English law provides, what indeed justice and common sense require, that every person should be held innocent till he is proved guilty. The Queen is now, and has been long placed in a singular, in a most embarrassing situation. Her mind from recent, as well as former events, must be naturally disposed to put a painful construction on the conduct and motives of all by whom she is surrounded. She has been inured to this by a long and uninterrupted course of persecution—by much and severe oppression, abroad and at home, by manifold frauds upon her benevolence and generous credulity—by the malice and treachery of spies and servants—by those hidden artifices which it was impossible always to trace. This last scene was not calculated to form an exception in her mind to the conduct habitually pursued by those who surrounded her. All she had witnessed in Italy, all she witnessed since her arrival here, down to the last day of this proceeding—the witnesses who appeared against her, the manner in which they conducted themselves, the nature of their testimony, were all cal-

culated to fill with general suspicion and distrust, an otherwise unsuspecting breast. It is the portion of those who have been persecuted by enemies so little scrupulous as the Omptedas, the Grimms, and the Redens, of another country—not forgetting the Douglasses, those Omptedas of our own land—it is their unhappy, but unavoidable lot to be liable to suspicion—not to know to whom they dare trust. This distrust, forced on the mind by a recollection of unceasing plots and artifice, must, no doubt, render her Majesty extremely fearful and circumspect with respect to any witness she may be disposed to call in her defence. Her Majesty, for aught I know, may now be harbouring in her breast a viper of the same brood as Dumont, I mean the sister of that person, one with whom she corresponded, and, as she said, in cypher, but this I do not believe. All these circumstances are calculated to prescribe suspicion, as a duty in her Majesty's present situation. That great man who, in former times fulminated over Greece, to wake his country into caution against the chains that were preparing for her, imprinted, in words of fire, this maxim on the breast of his audience that, instead of all other ramparts for the protection of a people, the best security against fraud and oppression is to imitate that mistrust of the strong which nature has implanted in the breasts of the feeble part of the creation. It is alien to an innocent creature, but it is one of these guards that innocence is obliged to have recourse to when surrounded by such persons as the Grimms, the Omptedas, the Douglasses, and the still less scrupulous Majochis, Dumonts, and Satchis. I feel satisfied in my own mind, that we are not to call this witness for the defence, that we have no occasion for it had we been called upon by her Majesty to deliver our opinion on this point, I at least should feel it my duty to awaken suspicions in her breast. I should consider that we are justified from all the circumstances in so doing, and in leaving the case at once as it now stands. Her Majesty, however, has hitherto seen no reason to part with a faithful servant, no ground of suspicion arising against her conduct. She has, as yet, discovered nothing to her prejudice. We shall, therefore, my lords, present her before you as a witness upon this occasion, and you

will then have an opportunity of hearing from her own lips what will prove that her sister is not borne out in her statement by fact and truth. She is, upon this occasion, quite a gratuitous witness, coming forward unasked, and merely from excessive zeal for that mistress whose kindness she has long experienced. We shall shew, that at the time Dumont represented Bergami as having returned with the passport, and spending the night in the Princess's rooms that preparations were then actually making for the journey; that so far from remaining there during the night, they entered the carriage in an hour and a half after his arrival; that the whole of this period was employed in getting ready the baggage; and that while this business was going forward, the Queen's door continued always open: her servants were constantly passing, so that they might easily have seen any thing that occurred in the room. They all came in and out as often as Bergami, making preparations for the journey, whilst the Princess was reclined on the bed in a travelling dress in which she had lain down determined at whatever hour the passport arrived to resume her course. Now, with respect to the Carlsruhe business, there is no occasion to contradict the witness Kress, that she saw a woman in Bergami's room. I have already commented upon that point. It is said that if this were a plot, there could be no difficulty in swearing unequivocally to the fact, as well as to the other circumstances that have been communicated. Can they who argue thus, forget that in a conspiracy there are two very material points to be considered. In the first place, the more effectual way of obtaining credibility and securing success in a plot of this nature, is not to swear too hard, to support an appearance of honest caution and scrupulous circumspection, to knit the false with the true with such ingenuity as may procure belief, to build a fanciful fabric of realities from that which exists only in pictures, and to state facts as moderately and as little offensive as may be consistent with the object to be attained. How has it happened that in no one instance have two witnesses been called to establish a single fact? Why was this omitted, when it might be done without difficulty? Why, but for this plain reason, that it would not be prudent to call forward

one for the purpose of swearing, and another with a view to confirmation. If two witnesses had been called to one fact, it was likely that in the cross-examination they might contradict each other, and therefore it was that my learned friends prudently abstained from having recourse to so dangerous an experiment. One circumstance was alluded to, to the truth of which, if true, a number of witnesses might have been called. The circumstance I mean is that which is stated to have taken place at the masquerade. It must have been known to numbers that her Majesty appeared there; that she was hissed in consequence of the indecency of her dress. These were circumstances which, upon a public occasion could not possibly have been concealed. The hissing must ere long have been known at Naples, and not only there, but to the surrounding country, and all the cities round about, "*Et omnibus aliis opidis.*" What has become of V. Tyson? Why has she not been called? I will tell you the reason—she is not an Italian. If the facts stated be true, there were the most important reasons for calling this witness: she was one of the Queen's servants—she had the care of the linen, superintended it, and no person was more likely to speak with certainty to the spots and stains which were said to have been observed on the bed clothes. There was nothing new in this; the practice of calling washerwomen was not novel; they were called in the Douglas plot; rendered wise, however, by experience, no attempt was made to bring them forward on the present occasion. Shall I be told that there was any hastening in swearing the witnesses? I do not say that it is in my power to contradict all the evidence that has been given; but my learned friends should not have called upon me for this. I contend, that as the case now stands, I am not bound to call witnesses; and I submit that there is no necessity for it. If your lordships believe what has been stated by the witnesses against her Majesty, there is proof positive of adultery. No case of the kind could be proved more fully than this has been, if you credit the statements that have been made. If you believe Sacchi, Bergami has been seen twice going into the bed-room of the Princess, and not returning. If you believe him, and some more of the witnesses, in all they

have sworn to, she is not only guilty of the crime alleged against her in the bill, but she is as bad even as Messalina. If, however, they are not worthy of credit—if they have sworn to these circumstances, knowing them to be false, we must conclude them to be more vile than those jacobins who, in the progress of the French revolution, attempted to affix so unnatural a charge upon Marie Antoinette. I have heard it observed, that, without touching on the important part of the charge, the credit of the witnesses may be ruined, by convicting them of falsehood in unimportant particulars. If, however, I am to set up witnesses, my confirmation of innocence should extend to the crime itself, and not be confined to trivial circumstances. Without calling evidence, I apprehend, it would be quite sufficient for my case to show, that there are circumstances in the evidence for the bill which take away credibility from the whole of the facts that have been sworn to. If one part of the charge should not only not be proved, but be found utterly inconsistent with facts detailed in evidence—if it should appear that falsehood has been sworn to in trivial circumstances—this I think will be sufficient to invalidate the whole of the testimony. If in a case like this, it should appear that falsehood was stated by any witness, and that, notwithstanding, the rest of his testimony is to be believed, what chance of escape will there ever again be from the grasp of unprincipled conspiracy? The thing would be different if two witnesses had been called to swear to any one fact. This is what forms the safe-guard of every man, and without it no person can be protected from the machinations of a conspirator. Let me suppose that any one of your lordships were to fall into what I would consider as the greatest misfortune that could happen to any man, either in an humble or an elevated sphere of life—that you should be charged with a crime, at the bare thought of which every feeling revolts, and human nature is shocked—it might happen to the best and the most virtuous of men. Suppose one of your lordships to be charged with the commission of an infamous crime. The fairest reputation, when attacked in this manner, cannot possibly escape but in one way. It is not possible to overturn the charge by contending testimony, because the plotter, on such

occasions, takes care, that there is only one who can swear—he selects, for example, the time and place in which any of your lordships may be found alone. You may be in the place at the time mentioned. A direct contradiction under such circumstances is impossible. What does the court do before whom such a case is brought? They will direct the acquittal of the person accused, if the most trifling falsehood, and in the most unimportant particular should be detected in the evidence of the base informer. I call upon your lordships now to act upon the same principle. I ask only this protection for her Majesty—a protection which justice and innocence demand. Much has been said of the situation of Bergami previous to his entering the service of the Queen: it has been said that this circumstance alone, contrasted with the sphere of life in which he now moves, is quite sufficient to excite suspicion. My lords, it cannot be denied that he has been elevated to a situation by his illustrious mistress, far above that in which he formerly moved, and sorry I should be; indeed, if, in this country, such a circumstance could lay a foundation for a serious charge. If raising a meritorious servant to a place of trust, was to be insinuated as matter of criminality, God forbid! we should ever see the day when all stations may not be open to all men according to their merits. I beg, however, to remind your lordships, that the rapidity of his promotion was quite overstated. The manner of it shews, that he earned it gradually by the faithfulness of his character and the propriety of his conduct, and it tends also to shew the little credit that is to be given to some part of the evidence. Dumont stated, if she is to be believed, that, in the short space of three weeks after he was taken into service, the Princess promoted him to her bed; yet after this he still continued to act as courier; he dined with the servants at Genoa, and only once sat at the Princess's table by accident. It was only towards the close of the period immediately previous to their voyage, that he was admitted to her table. He proceeded by slow degrees in the service of the Queen, travelling first on horseback as courier, then in a carriage by himself, and subsequently made chamberlain. This is utterly inconsistent, if you suppose the Queen to be that insane, insatuated woman, she

has been described. Would she, if thus violently attached, allow her paramour to remain even a day in a degrading situation. This does not resemble the manner in which love usually rewards the object on whom it is fixed. It rather resembles the slow progress by which merit struggles through difficulties to the place it is worthy of. Bergami was no common man, but a person of merit. His origin was not low, for his father possessed a moderate property in the north of Italy. He got into difficulties, like many Italian gentlemen, and soon sold his estate to pay his father's debts. He was certainly reduced, but still a reduced gentleman, and recognized as such in General Pino's service, for he dined at his table during the Spanish campaign. The General respected him, and he was universally esteemed by all those whom he served. They encouraged him to hope for better things, as knowing his former situation and his present merit. It was an Austrian nobleman who proposed him as a courier in the service of the Queen, and he was hired by the chamberlain without her Majesty's knowledge. This nobleman expressed a hope that he would be promoted as he had seen better days. It was almost a condition of his engagement that he should go as a courier, and be subsequently raised to a better station, if he rendered himself worthy of it. My

lords, I do not dwell upon this as an important circumstance. I do not think it is material to the defence. I think I have already disposed of the case by the comments I have made upon the evidence. I thought it necessary, however, to dwell on the circumstance, as it had been a common topic of conversation. If her Majesty had been charged with secret guilt, against which it is not easy to provide defence—had she been charged with what could have fallen under the observation of those with whom she could have associated as friends or equals—with any improper courses in public intercourse; I could have stood upon high ground indeed. I could have easily refuted every insinuation of this kind, to whatever period of her life it might have been attached—whether before she visited this country, or while she continued in it. I hold in my hand a testimonial, written by his late Majesty, which cannot be read without the deepest feelings of sorrow and respect for his character. It proves the light in which he viewed her at that time, and whom, both then and ever after, he loved with a more tender recollection than any of the rest of her family. The plainness, the honesty, intelligence, and manly sense of this note, written in 1804, could not be sufficiently admired: it is thus—

“ Windsor Castle, Nov. 13, 1804.

“ My dearest Daughter-in-law and Niece,

“ Yesterday, I and the rest of my family had an interview with the Prince of Wales at Kew: care was taken on all sides to avoid all subjects of altercation, or explanation; consequently, the conversation was neither instructive nor entertaining: but it leaves the Prince of Wales in a situation to show whether his desire to return to his family is only verbal or real, which time alone can show. I am not idle in my endeavours to make inquiries that may enable me to communicate some plan for the advantage of the dear child. You and I with so much reason must interest ourselves: and its effecting my having the happiness of living with you, is no small incentive to my forming some idea on the subject, but you may depend upon their not being decided upon without your thorough and cordial concurrence; for your authority as mother, it is my object to support. Believe me at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,

“ GEORGE R.”

This was the opinion, and these were the sentiments, of a man not ignorant of the rules of society, or deficient in his knowledge of the human heart. Here he shewed all the anxiety of a tender and affectionate parent for the happiness and welfare of a child, and evinced all those sentiments in favour of the interests of the Princess of Wales, which the consciousness alone of the purity of her conduct, and the extent of her merits, could have excited. I might now read to your lordships a letter from his illustrious successor, not in the same tone, not indicative of the same regard—but by no means indici-

native of any want of confidence, or any desire to trammel his Royal Consort in that course of life which her own feelings might suggest. I allude to that letter which has been so often before your lordships in other shapes, and which I do not think necessary now to repeat. In that letter he expressed his wish that they should live apart. Their inclinations, he said, were not in their power, and their mutual happiness would be best conserved by their living asunder, under any plan which might seem most conducive to their comforts. There was no indication that her conduct should be made a subject of observation, or that her seclusion should be interrupted by the rigour of a scrutinizing agency—such as had brought the present Bill of Pains and Penalties into life. (A cry of “Read the Letter,” from the ministerial benches.)

Mr. Brougham immediately read the following letter :—

“Madam—As Lord Cholmondeley informs me that you wish I would define, in writing, the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness, and with as much propriety, as the nature of the subject will admit. Our inclinations are not in our power; nor should either of us be held answerable for the other, because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that; and I will distinctly subscribe to the condition which you required through Lady Cholmondeley, that, even in the event of any accident happening to my daughter, which, I trust Providence will in its mercy avert, I shall not infringe the terms of the restriction, by proposing, at any period, a connection of a more particular nature. I shall now finally close this disagreeable correspondence; trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity. I am, Madam, with great truth, very sincerely yours.

(Signed)

“GEORGE P.”

My lords,—I do not mean to call this, as it has been termed by others, a letter of licence; but I think that such an epistle must make it a matter of natural wonder to the minds of all by whom it has been heard, to find that ever after the individual by whom it had been received should have been made the object of a more especial watchfulness, and should have been exposed to an increased rigour of observation. Such, however, my lords, is the state of this case; and it is under these circumstances that her Majesty is now unexpectedly dragged to your bar. The secret agency by which she has been haunted, at length effected the first step towards her destruction; but, thank God! her machinations must here cease. The innocence, and the purity of my illustrious client has been assailed, but I trust with confidence, that the base efforts of her calumniators will recoil upon themselves. Your lordships have attentively regarded the evidence as it has been submitted to your notice. You have no doubt watched the character of the witnesses, and I am satisfied you will agree with me, that not one of those witnesses is entitled to the

slightest credit. No single fact of the heinous charges which have been made has been supported by a single individual entitled to credit. Good witnesses were within the reach of her Majesty's accusers, persons entitled to confidence and belief; but these had been studiously avoided. The plot has been discovered by the means of those principles which invariably apply to such cases. It has been exposed to the open glare of day, by the case breaking down in some of those parts which, however ingeniously got up as a whole, were left exposed to attack. The great features of the plan have been preserved with a studious regard to ultimate success; but some of the minor fortifications, from a belief that their weakness would not be discovered, were left unprotected. It is by this means that justice has triumphed—it is by such trifles that the weightiest and most serious accusations have, even after having received the support of great and good men, been laid prostrate. I shall be excused by your lordships for quoting an authority from Scripture, in support of this proposition. The passage to which I allude, recites a case in which the

judges of that day, the elders, were arraigned against the accused—and in which when they were on the eve of pronouncing an unjust judgment, with the full persuasion of its justice, the victim was rescued from the gripe of destruction which was about to grasp him, by the simple circumstance of a contradiction respecting a tamarisk tree. Such had been the case in the present instance. Majochi, Dumont, Sacchi, and all the other herd of witnesses, who had been called, deposed with unblushing confidence, and with an undeviating accuracy to all the main features of the charges, which it was their object, as well as their interest, to sustain, and might have eventually succeeded, but for the aid and interposition of that Divine Providence which wills not that the guilty shall triumph. When such a case as this is before you—when such evidence is brought to support it, can you hesitate as to the opinion which it becomes your bounden duty to form? Can you, upon evidence which would be inadequate to prove the most trifling debt—which would be too impotent to deprive a subject of the commonest civil right—which would be rejected in the most ordinary court of justice as insufficient to establish the lowest offence—can you, I say, upon such scandalous and barefaced perjury, in this, the highest court which is known to the law of the land, entertain a charge so monstrous as that which has for its object the ruin of the honour of an English Queen? What would be said by the people of England—what would be said by the world at large—if, upon this species of proof, acting, as you do, as judges and legislators, you were to pass a bill, which must for ever debase and degrade an injured, an innocent woman?

My lords,—I pray your lordships to pause, standing as you do on the brink of a precipice, before you form your judgment—a judgment which, if pronounced in favour of the bill now under your lordships' consideration, will fail in its object, and will return upon those who give it. Save the country, my lords, from the horrors of such an occurrence; save yourselves from the consequences of an event by which you would risk the situation you hold in that country of which you are the ornament, but in

which you would ~~case~~ flourish if no longer served by the people. Like the blossom torn from its parent stem, and dragged from the root by which its beauties were sustained, once deprived of the confidence, and esteem, and support of your fellow men, you must wither and decay. Then, my lords, I say, save that country, that you may continue to adorn it—save the crown, the people, and the aristocracy—shake not the altar itself, which would not be less endangered than its kindred throne. Your lordships willed—the King willed that the Queen of these realms should be left without the solemn service of the church. In the absence of this solemnity, she sustained no loss, for she still enjoyed the heartfelt prayers of the people. Her Majesty wants not my prayers—but I now ardently and sincerely supplicate the Throne of Grace, that mercy may be poured down on the people in a larger proportion than their rulers deserve, and that your hearts may be turned towards justice."

The learned gentleman concluded his eloquent and powerful speech at half-past twelve o'clock. It had evidently made a strong impression on the House, and for some time the noble lords were occupied in remarking on its tendency. Several peers quitted the house, and were seen in consultation in the passages. The counsel on both sides also retired to obtain refreshments.

At one o'clock Mr. Williams advanced to the bar, and was about to address their lordships, when

The LORD-CHANCELLOR interposed. He remarked, that as Mr. Williams was about to address the house, as second counsel for the Queen, it was his duty to remind their lordships, that it was at their option whether to permit the course contemplated by him to be pursued or not; but he apprehended the house would concur with him, that in so important a case, their discretion would be best exercised by permitting it (hear).

Mr. WILLIAMS then came forward to the bar. He could, he said, assure their lordships that no man could feel more sincerely, on this occasion, than he did, the various disadvantages he had to encounter; no man could possibly be more aware than he was of the pressing difficulties under which

he laboured, when he was about to address their lordships on this most momentous question. He alluded not to the incidental circumstance, that it remained somewhat in doubt whether the privilege or the right to speak might be allowed to him at all (a circumstance, nevertheless, not wholly unimportant with respect to a due preparation for the occasion,—in that did he now advert to the severe demand which he should be compelled to make on their lordships' patience—a demand, perhaps, the more severe, because it was in some degree unexpected; but he adverted to his fate or fortune, or whatsoever else it might be termed, which brought him next in succession to the consideration of a subject, which he would not say had been discussed, but which had been dissected, torn in parts, and laid before their lordships, quivering, writhing, and trembling, by the marvellous machinery which his learned friend brought to bear on this and on every question. In treating this subject he would cast behind him every unfair consideration, and having expressed this sentiment, he could at once he hoped be believed, when he said that he deprecated most decidedly any notion that he stood forward from a spirit of competition. The present was a case marked by this distinguishing feature, beyond any other that had hitherto occurred, from the commencement of the world to the present hour, namely, that it presented to the mind nothing but pure and unmixed evil, without the slightest portion of benefit. His learned friend had evinced an enlarged intellect to comprehend, a power to express, a courage to meet all difficulties, a varying and shifting attitude, suited to every change in this case, in the course of his honourable and glorious exertions—exertions, the force of which was then alive in the memory, in the judgment, and in the feelings of that house. It now became his office, after the labours of his learned friend, to collect the scattered remnants, which, in the course of the proceedings on this bill, might have been overlooked or left behind, in order to fill up that measure of condemnation, which, with all his heart he hoped, and in his conscience he believed, was not remote or distant, but now awaited this prosecution, though it was the third which had been directed against his royal mistress the Queen. He

would ask their lordships, who were the parties in this case? That surely was not an immaterial consideration, before he proceeded to any thing else. He was aware that it had been with difficulty that they had attained a certain degree of knowledge—that some explanation had been allowed with respect to the party to whom her Majesty's counsel were opposed. They originally knew that they were opposed to some person or other, and the power was not less formidable for being imperfectly divulged. But, not to speak disrespectfully of the name of his Majesty the King—that name which in itself was “a tower of strength”—a name which, nevertheless, stood in the front of this bill, it was now past speculation—it was now no longer a matter of doubt who the prosecutor was. On the one side, their lordships saw arrayed before them all the weight of the crown—power, authority, wealth, influence—(that influence from whence a large portion of this evidence was derived); and, on the other, her Majesty the Queen, borne down by a series of harsh treatment, to which allusion had already been made, (and on which he would say no more at present,) “shorn of her beams,” deprived of her honours—a Queen, who, with reference to this prosecution, had, by the vicissitudes of fate, by the changes of fortune, by the death of some persons, by the casualty of office in others, been deprived of the most powerful, the most active, and the most zealous of her defenders. It was necessary, with respect to this view of the case, if their lordships wished to allow the free and fair operation of their minds, that they should combat strongly against anything like the ascendancy of power on the one hand, opposed as it was to the helplessness, the desertion, the want of friends, and the absence of protectors, which appeared on the other. They were told, by a wise people, to whom reference was frequently made, and not without reason, that this caution, with respect to the paramount authority of the accuser, ought to be strictly and vigilantly exercised; because, if it were not, that authority might be productive of much abuse:—“*Semper in hac civitate* (said Cicero), *nimis magnis accusatorum opibus et populus universus et sapientes, ac multum in posterum prospicientes iudices resti-*

terunt—a testimony, which, at the outset, he would take occasion to notice as remarkable on this ground, that it showed the opinion of the universal people of Rome, and of the wise and provident judges, to be one and the same. Cicero went on thus—“*Nolo accusator in iudicium potentium afferat, non vim majorem aliquam, non auctoritatem excellentem, non nimiam gratiam; valeant hæc omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum; in periculo vero, et in perniciem civium; repudientur.*” Their lordships ought, and he doubted not would, exert a powerful caution, and keep their minds perfectly clear from any undue bias, in the course of this conflict; in order that strict, impartial, and equal justice might be awarded to the parties. There was another topic to which he would take leave to allude. He would not waste their lordships’ time by stating, after the many discussions they had heard on the subject, the whole course of proceedings adopted in the courts below; but he would observe, that it was an invariable and sacred rule in those proceedings, that on the evidence in the case, and on the evidence only, was the judgment to be formed. In this case, also, he trusted that no previous opinion—that no preconception from, whatsoever quarter it might be derived—that no rumour, however frequent it might be (and, for any thing he knew to the contrary, rumours might have been frequently repeated)—should be suffered to interfere with the case; but that the evidence, and nothing but the evidence, would be the rule and criterion of every noble lord who heard him in deciding on this most important question. Without this sentiment prevailed, no longer could there be any chance for the party accused; without that feeling existed, he knew not by what secret power—he knew not by what doubtful means—he knew not by what hidden springs—he knew not by what obscure motives, conclusions might be arrived at, and acted on. But this he knew, that, except by an open, a public, a fair, and an equal examination of evidence on both sides, justice could not be administered. While he was on this subject he wished to call their lordships’ attention to another part of the case, not altogether unconnected with it. How did her Majesty the

Queen stand at present? She stood under those difficulties of defence which he had ventured to urge—placed in the midst of proceedings which had not the most remote analogy to those carried on at any other tribunal. She was most critically situated, and had to surmount a variety of difficulties, which, in the case of no individual that stood at the bar of any other tribunal in England, ever had been, or ever could be encountered, while the law remained the same as it was at present. Let their lordships examine the question; and, though the subject was not new, he was sure he should stand excused (thinking, as he did, that it was a matter which pervaded the whole cause) if he called their attention to the manner in which the evidence was brought forward. It was intimately connected with the defence, and went, in fact, to the bottom of the whole proceeding. Whether he was or was not founded in the remarks he was about to make, it would be for their lordships to decide. Was there any instance, he would ask, in the history of the law of England, in which a party accused had been kept in ignorance, until the time of trial, of the precise nature of the charges that were to be preferred—of the time, place, and circumstances, under which the accusation was made? He would say, fearlessly, that there was none. Let them, first of all, take the more formal, or technical, part of the instruction, if he might use the term, with respect to the party prosecuted. In the first instance, the indictment must specify a particular day and place. He was aware that it sometimes covered a considerable portion of time; but, he would appeal to every learned judge who heard him, if a crime were committed on the first of January—if a robbery were then perpetrated, or a house were broken open—whether an individual would be allowed, for the mere love of fiction, from a vicious love of contradiction, to charge the offence as having been committed on the 1st of June? No; the party was informed of the time when, and the place where, the matter advanced against him as an offence was committed, as nearly as it could possibly be ascertained. Was that all? Had not the party accused been previously committed? Must he not have been committed by some magistrate of the county? and, being so committed, must

there not appear, on the face of the writ, a description of the offence?—In ninety-nine cases out of one hundred—in nine hundred and ninety-nine, he might say, out of one thousand, a previous examination, a previous hearing took place in the presence of the accused and of the witnesses adduced against him; and by means of that previous inquiry he obtained a distinct knowledge of the time and place, as well as of the persons to be brought forward in support of the charge. If it were a wicked fabrication, if it were a gross conspiracy to oppress the accused, he must at least have a specification of time and place, together with a knowledge of some of the witnesses who were to sustain the case against him. Not without reason, therefore, did the Queen complain that the crime charged against her was extended over three fourths of the globe, without any particular specification of time, but a mere general statement, that it had occurred in the course of six years, and without any knowledge of the witnesses until they came before their lordships. Well, in his judgment, might the Queen complain that she came to her trial under complicated disadvantages—disadvantages that would not attend the trial of any other individual whatsoever, no matter what was the subject of accusation, within the realm of England. He begged leave to illustrate this fact, and he would put the case to every noble lord who heard him, and particularly to those who were conversant in judicial matters:—Suppose a charge of felony, of murder, of burglary, or of robbery, to be made against an individual; and suppose it to be committed on any assignable day; the party accused was committed to prison, and the trial came on. Suppose it was a circumstantial case, and evidence was adduced in support of it from various suspected quarters, while no testimony of a contrary nature was brought forward to oppose it. He would admit it to be a case of such suspicion, that the prudence of the judge, and the conscientious feeling of the jury could not shake off: what would then be the situation of the accused party? Why the learned judge would say, “If this suspicion that hangs round the prisoner be confounded—if it be really true that what looks like guilt ought not to attach to this individual—why is he silent? Why

does he not produce his exoneratory proof? The thing was fresh; the proper time and opportunity for defence allowed, and yet he has failed to prepare himself.” Reasoning thus, the conclusion was irresistible; and a man might be convicted of any crime under such circumstances. But he would contrast this with a case that bore some similarity to the present. What if the individual accused was supposed to have committed the offence six years before? Would any learned judge, consistent with common sense—on which the law was founded—condemn the individual because he could not procure evidence, after such a lapse of time—when witnesses might have died—when memory might have failed—when difficulties might have interposed, which at an earlier period had no existence? No, on the contrary, this would be the language which the judge would hold:—“Why was not this charge brought earlier? What is the reason of this delay? Why has this accusation slumbered? Do you expect a miracle from the accused? Do you now expect the minds of individuals to be so alive on this subject, as to recollect persons, places, and events, which must by this time have faded from their memory?” Such would be the language of the judge. The remoteness of the period—the lateness of the charge, to which, if answer could be given, that answer should long before have been called for—those circumstances must be considered as the salvation and deliverance of the accused, for large and liberal allowance was always made for those who were thus situated. When a charge was speedily brought, powerful means often arose to defeat it, and those means might, on the moment, be made available. But, after a lapse of years, the facility by which an accusation could be met became narrowed and contracted. If the attack were made at the time when the offence was alleged to have been committed, the accused party could perhaps answer it; though, when a long period had elapsed, it might not be in his power to do so. Why were these preliminary remarks made? Because he conceived the nature of the case required them, however little their lordships might be influenced by them. Petitions had been presented to their lordships, calling on them to grant to

the Queen something like that which every subject of the realm was entitled to by due course of law. To the wisdom of their lordships it had, however, seemed meet to refuse those several requests. He now demanded of their lordships respectfully, but, in pursuance of his duty, firmly and boldly, if they would pursue the plain and direct course of justice, to extend to the Queen the full advantage which she ought to derive from the delay that had taken place. That advantage consisted in what he would now state; they would expect the evidence to be clear, consistent, and precise. Now, in proportion as this charge had been delayed, their lordships would consider, that by this very delay a difficulty was imposed on the Queen, which, while human nature remained as it was at present constituted, must necessarily exist, namely, that witnesses might have died, and that the recollection of time, place, and circumstances, must in the course of years be impaired. If the charge had been preferred about the time when the offence was said to have occurred, it might have admitted of a ready answer, though it might not admit of such an answer now. How then was her Majesty to be defended before their lordships? By their lordships exercising a vigilant controul over the prosecuting party, in proportion to the hardships which were visited on the Queen. She was surrounded with difficulties, and, in proportion as those difficulties were great, should their lordships, in hearing her case, be vigilant, indulgent, and forbearing, thinking it enough if a substantial answer were given: for he would boldly say, that to answer the accusation point by point would be a miracle. He would say, that unless the caution which he had recommended to their lordships were adopted in examining the adverse case, and unless they extended the utmost indulgence to her Majesty, they never could hope to satisfy the judgment of the country. They ought to take special care, if that took place, which God, for the safety of this kingdom, avert! if her Majesty should be condemned, that it should not be by means, by the operation of which no individual in the history of this country had ever suffered in his life or liberty, in his character or his fortune! These preliminary remarks were well suited

to that temper of mind which he called upon their lordships, not as a matter of favour, but as a matter of right, to exhibit in their examination of the adverse case, and in their preparation for that which would be offered in reply to it by the accused party. In speaking of the whole case, and before he came to examine it in detail, it was impossible not to see, and, seeing, not to admit, that the supposition which had been made by his learned friend, the Queen's Attorney-General, who had, indeed, anticipated the whole of the case, was completely substantiated by a perusal of evidence—namely, that the whole case on the adverse side was founded and bottomed in perjury. That was a point which, in his view of it, could not be denied. However fearful the conclusion excited in their lordships' minds might be, on finding that distinct perjury been committed before them, was it entirely new in the history of the judicial proceedings of this country—aye, and of the witnesses of this country too—to find a set of persons giving a series of testimony relative to minute details and trivial circumstances, of whom it was as clear, at the conclusion of the case, that every one had perjured himself, as it then was that he was speaking at their lordships' bar? Was the present case wholly without a motive to produce the perpetration of similar guilt? Had they never heard in the history of their country of individuals—he would not say having been got up, but—presenting themselves as volunteers for the commission of perjury? Was it an unheard of circumstance that low-bred persons should have a disposition to insult and trample upon their superiors who had fallen from power, or who at least were in obloquy with those that were in power? Was it only in ancient Rome that a disposition existed to triumph over the prostrate fortunes of illustrious individuals? Was it only in ancient Rome that the rejected favourite of Cæsar was liable to the taunts and ignominies of the vulgar? Was it only there that the cry was raised—

— “*Cniramus præcipites
“Dum jactetur in ripa, calcemus Cæsaris
hostes.*”

Were not their lordships aware that that very enemy of Cæsar, who was thus to be spurned and trampled upon, had been but that previous moment living in the midst of imperial favour?

Did not they recollect that the satirist indignantly asked—

—“*Quo cecidit sub crimine? quisnam Delator? quibus indicus? quo teste?*”

Did not they recollect that he added—

“*Nil horum: verbosa et grandis epistola venit*

“*A Capreis?*”

Or, in other words, that a large and swollen green bag came over from Milan? So that it was not quite unforeseen that persons might be found, who, either from a love of power, or from a desire to worship the rising sun, and from their own base, and ignoble, degraded natures, might be lead to increase the misery of the distressed, and heighten by calumny the anguish of the fallen. But was there no other motive, besides those which he had just enumerated, that might be attributed to the witnesses produced against his illustrious client? Was there nothing in their evidence calculated to show that a belief existed—was there nothing in the Milan commission itself calculated to excite such belief among the inhabitants of Italy, that they would not go unrewarded if they came forward with testimony against a Princess who had before been the object of calumny and insult? He begged leave also to impress upon the recollection of their lordships, that not only the government of this country, but also the government of foreign countries, had been concerned in getting up the prosecution against her Majesty. He did not make this assertion upon idle grounds: it had been proved to them in evidence; and, as one instance was more decisive than a thousand unmeaning generalities, he would refer them to the printed minutes. He would refer them to the evidence of Barbara Kress, in which they would find a brace of ambassadors and a brace of ministers engaged in the worthy and reputable purpose of packing up and packing off a whole cargo of those valuable commodities which had been recently landed on the shores of this free country. The names of those ministers were mentioned in the evidence: they were representing, or, he should rather say, that they were misrepresenting, states which, as they were inferior to England, were in some degree under its controul; and yet they did not hesitate to descend to the very honourable, the very dignified, and the

very well concerted plan of getting up witnesses against her Majesty. He felt himself bound to lay these facts before their lordships, and to call their attention to the conduct of the ministers Berstett, Reden, Grimm, and Grilling, as detailed by Kress; for by so doing their lordships would see that something very like an undue influence had been exerted to enforce the attendance of witnesses against her Majesty. There was also another subject which he wished to bring under the notice of their lordships—he meant the manner in which the witnesses for the prosecution had been remunerated. Might he be allowed to ask, whether the cross-examination of the witnesses had been conducted by her Majesty's counsel with a forgetfulness of that point, or whether allusion had not been made to it so often by them, as almost to have excited the disgust of their lordships? Had they not put questions relative to the manner in which they were to be remunerated to every witness who had been called? and had there been an instance of any witness acknowledging the receipt of money after the effect of the excessive payments to the captain and mate of the polacca had been discovered? Was not that very circumstance even more condemnatory of the case than the excessive payments which had been made to the other witnesses? There had been no desire on the part of her Majesty to shrink from such an inquiry: her advocates had even courted it, and had been loud and clamorous in their demands for an explanation upon that point. Had that explanation been given by those who conducted the present prosecution? No, it been carefully and cautiously withheld. Another point, connected with that on which he had been just speaking, deserved the attention of their lordships. They had not, he trusted, forgotten that his learned friend, the Attorney-General, at the conclusion of the case—for, without meaning him any disrespect, he (Mr. Williams) must call it his (the Attorney-General's) case, from the manner in which he had conducted it—had made a singular application for delaying the further proceedings of this bill, on the ground that certain witnesses, who were wanted to prove an act of adultery at Lugano, had not arrived in the country. Singular as that application was, it had been made. A night intervened.

In the morning that application was relinquished. The reason was apparent. In ordinary cases such an application could only be sustained by calling the attorney, or some agent to the party, to prove, upon oath, that the evidence of the absent, but expected witnesses, was important to the case. Had any evidence to that effect been tendered to their lordships? Had Mr. Powell whose presence in court such circumstances absolutely demanded, been called before their lordships? No; the application had, as he had before stated, died quietly away; the opportunity had been allowed to perish, which had been offered to the adverse party, of proving that it was unjust accusation against them to say, that they had disbursed large sums in procuring witnesses from Italy, or that they had afforded funds to their foreign commissaries, to their agents in law, to their agents in equity, and to their agents militants—indeed, he knew not by what terms to designate them—to procure men whose consciences were vendible. That opportunity, which they ought to have eagerly embraced, they had wilfully neglected; and the conclusion which he drew from such conduct was, that money had been largely and lavishly expended to get up this prosecution. At that conclusion he had arrived, not upon the testimony of Italian witnesses (of whom, as of the ancient Greek, it might be said,

“*Græculus esuriens in cælum jussoris, ibit,*”)

Not upon mere surmises, but upon facts which went home to the minds and bosoms of men. The funds of corruption, he must repeat it, had been afforded, or why had Mr. Powell been withheld from joining in the application made by his learned friend, the Attorney-General? Mr. Williams then proceeded to observe, that he must, at the risk of being thought tedious, make another general remark before he entered into the details of the evidence which had been submitted to their lordships. He did not intend to travel over the ground which his learned friend, the Queen's Attorney-General, had occupied so ably before him, by dwelling on the glaring and flagrant improbability attendant on the circumstances which had been imputed to the Queen. They

had heard that familiarities which had been justly called most disgusting, had taken place between her Majesty and Bergami; but they had likewise heard that her Majesty had been, if the witnesses were to be credited, most careful and cautious that those familiarities should not occur in solitude or obscurity, but in the light of day and in the presence of multitudes. That was in itself most improbable, but was rendered still more so by a circumstance which had transpired in the examination of no unwilling witness against her Majesty—he meant Dumont—and of which his learned friend had failed to take any notice. The Queen, during all the time that she was accused of conducting herself with this most extraordinary, most open, and most convenient profligacy, (for most convenient it certainly would have been to those who meditated this bill), thought and believed herself to be surrounded by spies and enemies. What! was it to be believed that a Princess, who had not forgotten the persecution which she had endured in the year 1806—who was not ignorant of the attention with which her actions were contemplated in this country—who did not suppose herself to be in any favour with those who were in power in it—was it to be believed that she would in the presence of a crew of twenty-two persons, not only render herself open to the accusations, but even surrender herself at discretion to the malice of her enemies? There was another instance from the evidence which he wished to place before their lordships, now that he was discussing the improbability of the charges. Their lordships would bear in mind what was stated to have occurred at Naples, which had been made the scene of the early as well as the more mature charges: they would bear in mind that Majochi stated himself to have slept in an apartment between the room of the Princess and the room of Bergami; and that he had been stationed there by Bergami himself, in consequence of Bergami's illness; they would likewise bear in mind that there was a light and a fire in that room, that there was no regular bed in it, and that the repose which Majochi was to take, if, indeed, he who was stationed to watch over a sick man was to take any, was to be upon a sofa. Now that they were on

the subject of probabilities, he would ask their lordships what they would say to this statement? He was well aware that Majochi had previously stated that one access to Bergami's room was through that room in which he himself was stationed; but, in his earlier evidence, his statement was such as would incline any person to believe that it was the only access. He was asked, "Then it is to be understood, there was between the bedroom of the Princess and the bedroom of Bergami nothing but that corridor and that small cabinet?" And he fearlessly answered, "There was nothing else: one was obliged to pass through the corridor, from the corridor to the cabinet, and from the cabinet into the room of Bergami—there was nothing else." He was then asked, "Did any person sleep in that cabinet in general?" His reply was, "There was no person who slept in that cabinet—it was free—there was nobody sleeping in it." The next question was, "Did the other people of the suite sleep in that part of the house, or at a distance?" His answer was, "They were separated." But how well that answer tallied with another part of his evidence their lordships would see directly; at present it was his object to show their lordships that, so far from the passage through that cabinet being the only means of access to Bergami's chamber, there was another access by another part of the house communicating with the Princess's room, in going through which she would not have had to encounter any watchmen, or any person in attendance on the sick. On the minutes of their lordships will be found the following testimony:—

"Will you swear that there was no other passage than that through the corridor?—I cannot swear; I have seen no other than this, and I cannot say that there was any other but this.

"Will you swear that there was no other way by which any person going into Bergami's room could go, except by passing through the cabinet?—I cannot swear there is another—I have seen but that. There might have been, but I have not seen any, and I cannot assert but that alone.

"Will you swear, that if a person wished to go from the Princess's room to Bergami's room, he or she could not go any other way than through the

cabinet in which you slept?—There was another passage to go into the room of Bergami.

"Without passing through the cabinet in which you slept?—Yes."

From this it was evident that there was another way to Bergami's room than through the cabinet in which Majochi slept; and, therefore, unless her Majesty wished to give a distinct notice to a person to watch her conduct, who, from the very occasion, was likely to watch it, he defied the ingenuity of man to find any reason, consistent with common sense or with human nature, which could have induced her to adopt a passage which could lead to nothing but her own exposure, and not go by another, through which she might have equally well indulged the guilty passion which was imputed to her, and, what was still more important, might have indulged it unobserved. Their lordships all knew the advantage that a party possessed who had "*confidentem rerum*;" but if the witnesses for the present case were to be credited, the advocates for the bill had a still greater advantage, they had a defendant absolutely seeking her own conviction. If they could reconcile such an idea with what they knew of human nature, then Majochi's evidence might well stand—then, in spite of all its contradictions, it might be credited. But if they applied to it those tests which would be applied by the judge in any common cases—for the jury were the judges—if they submitted it to the ordinary criterion to which evidence was submitted, then they would reject it as improbable, and would confess that it was impossible to believe it. Indeed, it was his opinion that, making the consideration of the probability of the story a subsidiary and auxiliary consideration to the inquiry into its truth or falsehood, there was sufficient in that story of the cabinet to convince every individual of Majochi's perjury. Leaving that matter, however, to the reflection of their lordships, he should next advert to Majochi's assertion, that the rest of the family slept at a distance, which, by the by, was in this case no indifferent matter. For, what had been all the object of the proof?—what had been all the labour of his learned friend the Solicitor-General's summing up, except to prove that, from Naples to

Messina, from Messina to the Villa d'Este, and from the Villa d'Este to almost every quarter of Italy, every opportunity had been industriously courted for the purpose of committing the crime imputed to her Majesty? He therefore wished to show their lordships how Majocchi had been borne out in this assertion in his cross examination.

"You have said, that, in the house at Naples, the rest of the suite of her Royal Highness, except Bergami, slept in another part of the house from her Royal Highness."

The answer was, "I do not remember whether the other part of the family slept separate or distant." Indeed! How then was it that he had sworn, with the most unblushing effrontery, in answer to the same question, that they slept separate? It would be a mere waste of time to make any comment upon such a palpable contradiction: it was impossible to consider it as any thing else but a wicked, wilful, and malignant perversion of the truth. He would now call the attention of their lordships to the mode of examination which had been pursued during this inquiry. If it had been accidental, he could not help but lament it: but it was a very singular coincidence that every thing which could injure the Queen had transpired, whilst every thing that could benefit her had been withheld. If this was the effect of accident, it was a peculiarly unfortunate throw of the dice for his illustrious client. He would refer them to the minutes, where the Queen's going to bed was the matter of inquiry; and, as it was imputed to her at Charnitz,

"Quam regio in terris nostri non plena laboris,"

That an adulterous intercourse, or, in other words, adultery had been there committed, it was requisite to observe the manner in which that circumstance was stated. The following was an extract from the minutes:—

"Who went to bed in that room besides her Royal Highness? did any body?—Myself.

"At what time did you go to bed?—Nearly ten o'clock.

"At what time did her Royal Highness go to bed?—At the same hour.

"In the same room?—In the same room.

There the evidence rested: it placed her Majesty in bed, in the ordinary phrase, and without further interpretation; but, in reality, the Queen had, at that time, no more gone to bed than he (Mr. Williams) was at the present moment. He should now just beg to refer their lordships to the evidence, where the witness answered a question from somebody respecting the statement of the Princess being undressed. The following were the questions and answers in Dumont's evidence:

Had the Princess undressed?—I do not recollect; she was in bed, but I do not recollect whether she was undressed.

Do you remember the dress that the Princess was in the habit of wearing at the time?—Yes.

Was it not a blue habit trimmed with fur round close up to the neck, with a great deal of fur about it?—Yes, there was a great deal of fur here (about the bosom): it was a blue dress.

This sort of dress, the evidence showed, was rendered necessary by the frosty state of the weather at the period spoken of. The witness then went on to state, that she did not recollect having seen the Princess throw off the fur dress in the course of the day. A great deal would in the after-part of the case depend upon this circumstance, and would show to the world that this was a triumphant case for her Majesty the Queen. Was it, he asked, dealing fairly towards the Queen to put some questions to a witness which left a matter to be caught by inference in a most injurious way, of which there was no proof, or semblance of proof, by direct fact? He should be fatiguing their lordships were he to adduce the almost numberless instances, throughout the evidence, in which much was disingenuously left for inference, which could not be substantiated by even a shadow of proof. He entreated their indulgence while he adverted to other parts of the evidence, to show the frequent attempts to create an unfavourable impression by this sort of inference. After describing the state of the tent, the witness (Dumont) went on thus. She was asked,

Did you go to the tent for the purpose of assisting in undressing her Royal Highness?—Yes.

Was she undressed as usual? Yes.

She then described that she left the Princess undressed: but he entreated their lordships to refer to what she says. It is as follows, and came out on her cross-examination:—

You have described stopping at Aum?—Yes.

Do you, or do you not, mean to say that you undressed the Princess at Aum?—I recollect I was under the tent of the Princess, but I do not recollect whether I undressed her or not.

Do you mean to say that the Princess was undressed under the tent at Aum?—She had pulled off her upper habiliments.

Do you mean by that the dress in which she had been riding, travelling? Yes, a gown or robe, which was open.

Do you mean more than the outer garment, of whatever description?—I do not recollect if it was any thing more.

Thus proceeded the scheming chambermaid with one story at one time, and a different one at another, though she had been long prepared for the statement, for she had been examined at Milan, examined also in England, before she was brought to their lordships' bar; sworn also in these private examinations—a thing never heard of before in a civil or criminal court of this country; or if heard of, only heard to be reprobated. He was therefore justified in saying, that, instead of its being left open to inference that the Princess was undressed in the tent, he had it from the mouth of Dumont herself, that she only took off her riding-dress, and threw on a night-robe over the ordinary dress she wore beneath the travelling-cloak. He repeated, was it quite fair, then, either to the Queen or their lordships, to have made such groundless insinuations? If time had had in this case its usual operation, and that the parties had either forgotten all recollection of the particular events, or that the witnesses who could prove it had fallen off in the incidents of human life, then the Queen might have fallen a sacrifice to a foul conspiracy, for she would have been without the means of a successful defence. He implored their lordships, then—he demanded of them, if they would excuse the phrase in behalf of his Royal Mistress—to look closely at the tex-

ture of the evidence produced at their bar. Why did Dumont, he would ask, conceal this, when the questions were first put to her? Was it to avoid being caught and detected in that odious monosyllable, which he would here, for the sake of delicacy, merely call, in a borrowed phrase of her own, a "*double entendre*?" It was very singular, too, that the questions should have been, on the part of the prosecution, so put as to create all the inferences, which, by a strange coincidence, should have an injurious tendency against the Queen. He should not attribute motives; he disliked harshness; but he thought the coincidence to which he alluded was extremely singular throughout this case. In the minutes of the evidence he found the matter again alluded to in a similar manner, where Dumont described the circumstance of the Queen's changing her dress, to represent the Genius of History at the grand masquerade at Murat's Court. The following were the questions and answers to which he now referred:

What dress did she assume the second time?—The Genius of History.

Did she change her dress entirely for that purpose? Did you assist her in changing her dress?—I did not.

And though she, by this answer, admits that she did not; and afterwards says, she did not enter the room at the time; yet she had still the pertinacity to speak of an entire change of dress, though the Queen might merely, as on the other occasion, have changed her outside robe, and put on another, more in unison with the second character she meant to assume. This was the part of the subject which was coloured up so highly by the learned counsel for the bill—this was the part of the case on which so much stress was laid, and wrought up not only with all the ingenuity of an advocate's but something of the imagination of a poet. He would take one or two instances more of the fertility of invention used on the part of the prosecution. Let them look at what was said by Majochi—a name not easily to be forgotten while the name of England or its language should endure. Which of their lordships ever learned, from the questions put to Majochi in his examination in chief, that the shores of England had ever been honoured by the witness before

he was brought over to be presented at their lordships' bar? Which of them ever thought Majochi had been at Gloucester, had been in London, had been about, in stage coaches, here and there, and elsewhere? This information, which must have been known to the prosecutors, was entirely kept from their lordships and the Queen until it reached her Majesty's counsel after the regular examination of Majochi had been gone through, owing to the most accidental circumstances. Were it not for this accidental information, Majochi would have passed away unheeded, as one of the new importation, for whose use the adjoining place had been so appropriately fitted up. Had it been earlier known that Majochi was in England, inquiries could have been made, which would have thrown a light upon his character and testimony. Majochi had by this concealment all the advantage of appearing at the bar as dull as a post, while the questions were putting through the medium of an interpreter, and all the opportunities while that was doing, of pondering upon and collecting his answers. Of this comfortable delay, no doubt, he had amply availed himself. Care was also taken, in the case of the captain, to conceal the fact that he had still some unsettled claim upon Bergami, founded on expectations held out to him for the conveyance of the royal passenger. This had been well omitted at first by the captain, who, when he should return to his own country, would no doubt find himself loaded with honours, and the admiration of his fellow-countrymen, for the remuneration he should have acquired by his trip, and which greatly exceeded the earnings of a long portion of life, if devoted to his ordinary pursuits. The information respecting the unsettled claim of Bergami fell out, or rather tumbled out by accident, in the progress of his evidence. The odds were surely extremely high that such omissions were not so repeatedly accidental.

The learned counsel then proceeded to comment upon the summing up of the Solicitor-General, and particularly upon that part of it in which he stated that the courier (Bergami) was present while her Majesty changed "the entire of her dress"—a statement utterly unwarranted by the evidence

upon which his learned friend was then commenting. Besides assuming the "entire change of dress," he also assumed that it took place in a bedroom, of which there was no attempt at proof in evidence. In fact, in one sentence of that summing up, there would be found gratuitous assertion, unfounded assumption, and misstatement of facts. It was perfectly clear that these mis-statements and false inferences were introduced for the purpose of prejudicing their lordships' minds, and attempting to create an undue and unwarrantable impression against the Queen. He was perfectly willing to believe that his learned friends acted upon the instructions they had received, and that the concealment of the facts lay with the witnesses. On the subject of the dress, their lordships would recollect how closely he had questioned the witness: he entreated their lordships to bear in mind her answers, and the subsequent light she threw on her first statements. He asked this of their lordships in the well-grounded expectation, that as they were not indulgent at first, they would be vigilant at last. He had elicited the explanation respecting the dress, on which so much had been said, because he did not believe that at the Neapolitan court, attended as it was by the nobility of the country, any such indecent dress could have been displayed. The evidence left his learned friend's description of that dress utterly unsupported, as it did his other statement of the Queen's having been hissed out of the theatre of San Carlos. Why, he repeated, were such statements made to reflect upon the character of her Majesty, when not a single syllable of evidence could be adduced to support them? One assertion by the Attorney-General was, that the Queen had been hissed by the audience out of the theatre San Carlos; but had this injurious imputation received any support from the evidence? Was it not clear, on the contrary, that Dnmont had deceived the learned counsel—had imposed upon them by a story which she had not afterwards the effrontery to maintain at the bar? The presumption of British justice had hitherto been, that a person should be considered innocent until proved to be guilty; and if ever a case had arisen where it ought to prevail, by every sense of duty, by every feeling of deli-

ency, by every impulse of humanity, it ought to prevail in this: it could not be impressed too deeply, nor meditated upon too intently by their lordships. One of the strangest incidents in the whole proceeding had been the rare and curious composition of the memory of Majocchi; it was a most singular, nay, an unnatural, an impossible memory—it was all on one side of the question—it was a perfect blank to every thing in favour of the Queen, and crowded with inventions and falsehoods to destroy her innocence. He begged the House to bear in mind the instances adduced by his learned friend; for it was as manifest as that the sun had not yet set, that a witness might commit perjury in a negative shape, in the same way that an injury might be done by commission, as her Majesty had more than once experienced. When Majocchi, with a degree of condescension to which he was not often prone, when he spoke of the sickness of Bergami, when the Queen visited his bed-room, mentioned the name of Dr. Holland as having been present; but when the Queen's Attorney-General was endeavouring in his cross-examination to explain that visit in the most innocent way, by showing that Bergami was too ill to allow the possibility of guilt, then this adroit and accomplished witness, Signor Non mi ricordo, with a memory so accommodated to circumstances, could not recollect that he had ever seen any medical man at all with Bergami. He now came to some circumstances connected with the evidence of Mademoiselle Dumont, who was also in some respects a signal instance of impartiality of memory. Before, however, he proceeded, he begged to put it to their lordships whether they believed there was a word of truth in the ingenious, elaborate, composite explanation attempted by this lady of what she had once deliberately written. When cross-examined on the first day, when attention was called to her letters, she had never dreamed of mentioning any thing like a *double entendre*; the day passed away, and no explanation passed her lips. On the following morning, however, she thought she could mend her story: she had slept upon the matter, and above all within the circuit of less than an hundred miles from the House of Lords, for he would not assert that it was within the walls, she had

had a conference with some person that was of most material importance in doing away the force of the expressions in her correspondence. Whether that conference had lasted for two hours or for five was of no consequence; the result of it was, a regular explanation as systematic as any of the orations of Cicero: it was formed on a classical model, like the speeches of the King's Attorney-General, who was perhaps the only man of the present day who could be at all compared with the orators of old. Dumont's explanation had a beginning, a middle, and an end, and the whole was the effect of that interview and rehearsal which she had afterwards acknowledged, but at first denied, insisting that after the examination of the preceding day she had gone home directly, which, neither in French, Italian, nor English, in Greek, Latin, or Hebrew, could mean any thing but that she returned without delay. After all this preparation and study—after consulting the prosecutors and her pillow—was her explanation in any respect satisfactory? He would venture upon this general assertion, that it had not the shadow of a shade of sense in it—that there was not the slightest pretence for it in the letters, which were in themselves perfectly intelligible; and, with her gloss, perfect obscurity. It would be to trifle with the time of the House almost as grossly as she had trifled with her oath, to use any arguments to show its absurdity. The author of some future comedy would here possess a fine original, upon which to draw the character of an intriguing, shuffling, lying, artful, chamber-maid. He put it to their lordships, whether it was insulting common sense to pretend that by the expression of “the capital of Europe,” in one of her letters, she meant that obscure spot which had given her birth, and to which it were to be devoutly wished that it had pleased God to confine her. At least she was desirous it should be left doubtful whether by the “capital of Europe” she meant London or Colomby: “neque rationem neque modum habet ullum;” the thing was wholly incredible, and it would only be “rationem insanire,” as the comedian expressed it, to waste words upon its refutation. He adduced these as specimens only: he left the great mass to their lordships, who no doubt would examine the whole evi-

dence with more patience and industry than he had done, because they had more high and important duties to discharge than those by whose weight he, as an advocate only, was oppressed. They would find, that Dumont was trying her hand in one of her letters to her sister at a panegyric, and she chose as her subject her gracious and illustrious mistress, the Queen. "How often," (she said) in a numerous circle, whilst with all the enthusiasm which animated me, I enumerated her great qualities, her talents, her mildness, her patience, her charity, in short, all the perfections which she possesses in an eminent degree; how often, I say, have I not seen my hearers affected, and heard their exclaim, how unjust is the world to cause so much uneasiness to one who deserves it so little, and who is so worthy of being happy." He asked their lordships again, whether they believed all this to be but the fraudulent cover for malignant hate? Did it mean what it expressed, or any thing else? Was it at all improbable that the writer should be sincere? Was the object of her eulogy undeserving of it? Was she the only person who entertained this opinion? Had no one else said as much, or nearly as much, of the same illustrious female? He thought that he had heard something very like it before, and that from no mean authority—from a man of an elegant classical taste—who was celebrated for his spoken and written compositions—who was gifted with a knowledge of ancient and modern languages. He had pronounced on an occasion of no little solemnity, that the Queen was "the grace, the life, and the ornament of the society in which she moved." Was this testimony to be taken in favour of her Majesty, or was it also, like the panegyric of Dumont, to be looked upon as a cover for a malignity, and a *double entendre* which explanation only served to render more profoundly obscure? If then the Queen were worthy of this laboured panegyric from so accomplished a source, surely the House would not consider her undeserving of the inferior encomium of a Swiss chamber-maid. But he (Mr. Williams) would do Dumont justice against herself; he would assert that she belied her better knowledge, and her better nature, when she attempted to give any other sense to her letters, than the obvious and clear

import of the language she employed. For aught he knew, if it were necessary, he might bring to their lordships' bar the distinguished individual to whom he had alluded, who had publicly declared his opinion of the excellence of her Majesty, to repeat in testimony the tribute of admiration he had so justly bestowed. He would now claim the attention of their lordships to a declaration made by the learned counsel on the other side, and to which he had listened with much satisfaction, and with perfect concurrence: it was this—"that every part of the evidence that might be deemed material, without regard to its influence or impression, should be brought forward; for it was the duty of the counsel in support of the bill fairly and candidly to present to the House the whole case, without considering themselves as it were the advocates of a party in a suit." Nothing could be more proper than such a declaration: if they had voted up to it, the Queen would have had nothing to ask: it was the whole of her case. "We undertake," said they, "to bring before your lordships all the evidence the case affords, not of a condemnatory nature only, but the whole evidence, whatever be its import or effect, whether it be for or against the Queen of England." Such was the engagement into which they had entered, and with infinite pleasure he had treasured up these proverbial words of wisdom and liberality. It was, in fact, not a dispute between adverse parties; it was a solemn proceeding, not to gain a victory or some petty triumph, but to arrive at truth, the whole truth, by means of the evidence and the whole evidence. It was therefore with infinite regret and signal dismay and astonishment that he had afterwards heard the Solicitor-General, in his summing up, make no less than four distinct challenges to the Queen's counsel, in the same way as if it had been a mere *Nisi Prius* case for the recovery of £5. for goods sold and delivered. He had dared them to produce Louis Bergami, Bartolomeo Bergami, Brunette, and another witness. He mentioned this to show the gross contradiction between the principles and the practice of the other side, between their high sounding professions and their conduct. Where were now those words of wisdom and liberality in which the people of England

were assured that that the whole case should be fully, fairly, freely, and fearlessly investigated. They were mere words, answering a temporary purpose, but never intended to be carried into effect. Had the Attorney-General taken one step to perform what he had promised? Where was Dr. Holland? Where was Lieutenant Hownam? Where were the noble ladies attendant upon the Queen? Had any of those competent and credible witnesses been adduced? No: but "dum tacet loquantur."—their absence was as useful to her Majesty as if they had been brought to the bar; the other side had not dared to call them, which showed what must have been the import of their testimony to the vindication of the Queen, and the condemnation of her accusers. This sort of challenge had been imported into this great inquiry from civil causes; where it was often pressed too far, but in all criminal proceedings, even in our lower courts, the party bringing the charge was bound to establish it by sufficient evidence; and if he failed, the accused was not bound to supply the deficiency, or to establish his innocence in the absence of all proof of guilt. He did not say in the history of English justice, but in the history of English injustice, (for such it would be,) who had ever heard of an unfortunate accused being met by being told, "If you do not call this or that witness, whom the prosecutor had it in his power to bring forward, we shall consider that you acknowledge the justice of the charge!" The case ought never to be left doubtful; or if it were, the prisoner had a right to the benefit of that doubt. If he (Mr. Williams) in the course of his professional duty indicted a man for murder, and purposely kept back from the jury a witness, because he might possibly say something to lead to the acquittal of the wretched being, he should consider that he, as a counsel, was a party to that man's death when he was hanged for the crime. But this was not even a case of that description; it was far more important than a question even of life or death, and legal manoeuvres and the dexterity of practised advocates were wholly out of their place; they were unbecoming both to the subject and the situation. He was earnest upon this point, because he felt earnestly; he felt here not

merely for the interest of his illustrious client, whose character, honour, and dignity, were at stake, but for the country itself, whose tranquillity and happiness were not less in jeopardy. He called upon their lordships, therefore, to weigh the matter well, and to deliberate anxiously and carefully before they allowed this challenge to operate against the Queen. "I defy my learned friends (said the Solicitor-General) to call Louis Bergami." What did he mean by this, but that if the call were not complied with, he should obtain the verdict, he should gain his point; and what was that point which was thus treated as a question regarding a farthing damages? It was no less than the passing of this dreadful measure, the accomplishment of one of the most terrible mischiefs by which the country could be afflicted. What, however, was Louis Bergami to prove when he was produced? how was he implicated? In no other way than that Majocchi, speaking of a breakfast at which the Queen and Bergami were seated at the same time, swore that either Louis Bergami or Camera waited upon them on the occasion. So that even the presence of Louis Bergami was not vouched, and the Solicitor-General had gone beyond the manœuvre, the artifice, the legerdemain, the dexterity, the trickery of an advocate in the pettiest cause that ever degraded the meanest court of justice in the kingdom. Next he said in the same spirit, "I defy you to call Bartolomeo Bergami!" but here again it was "*scilicet in belle sine ictu!*" there was all the will to wound, but the blow was impotent and harmless; for suppose this person were produced at the bar, did not the experience in the world of every man show, that supposing the crime of Bergami more or less, his answers at the bar upon this subject must necessarily be of one description only. Such an attempt on the part of the Solicitor-General in a case of this kind was a shameless prostitution (without offence be it spoken) of a low contemptible trick of courts, unworthy of the wisdom and of the great political and legislative character of the House of Lords. This was not a trial at Nisi Prius, it was a Bill of Pains and Penalties—a measure which Lord-Chancellor Cooper had declared, in his celebrated protest, ought never to be resorted to, but in cases of the last necessity; and for

this reason he (Mr. Williams) asserted that the analogies of common law proceedings had been shamelessly introduced. The charge against the Queen was of no distinct crime known to the law, and the law therefore had affixed no specified punishment: to talk of analogies was therefore ridiculous, and the House in its political and legislative capacities, both of which were here to be exercised, ought not to be guided, much less governed by any low technicalities. He hoped then he should hear no more of analogies, which were only talked of whenever they intended to abridge the rights and injure the cause of her Majesty. Protesting to the utmost of his power, as zealously as his honourable friend, that the non-production of these witnesses on the other side was a clamorous evidence in favour of the Queen, nevertheless there were high interests at stake which rendered it necessary that they should be called. Witnesses their lordships would have—the challenge would be met, but with respect to what would be proved, he begged, in what he should now state, to be distinctly understood. On the other side, three years' application had been devoted to the case; equitable, legal, and military commissions had been sent out; examinations upon oath, and without oath, had been taken. Witnesses had been interrogated in Italy, on the road, and in this country; so that every letter and figure of what they could depose had been distinctly ascertained. The Queen had possessed no such advantage.

The Earl of LAUDERDALE here interposed, and observing, that it was now four o'clock, and that the learned counsel was entering upon a new branch of his subject, he recommended that the House should adjourn until to-morrow.—Adjourned at four o'clock.

THURSDAY, October 5th.

The counsel being called in, Mr. WILLIAMS immediately resumed his address to the House. The course he had been pursuing towards the close of his address yesterday had been directed to the circumstance of the counsel in support of the Bill not calling all those witnesses which it might have been naturally expected that they would call; and whom, if

they had called, her Majesty the Queen would not have been driven to call evidence at all. The observations the learned counsel had made on that part of the case would receive the strongest confirmation from the difficulties to which the Queen was exposed. He begged to commence what he had to offer this day by a statement of some facts painfully illustrative of those difficulties. Their lordships would recollect that the witness Barbara Kress had stated that on one occasion at Karlsruhe she saw the Princess and Bergami on a bed, adding a description of the position in which their arms were with respect to each other. Of course nothing could be so natural as that her Majesty, as fast as the case against her was developed in evidence, should make every possible inquiry on the continent, to see how far the witnesses could be contradicted, her Majesty recollected, that during her stay at this place she had been constantly attended by a chamberlain of the Grand Duke of Baden, to whom that occupation was specifically assigned. It would be a waste of time for the learned counsel, as he thought, to urge to their lordships, the great importance of that evidence which this person must be enabled to give on an occasion like the present. It would be a frivolous trifling with common sense, to press on the consideration of the House, that as this person had been in constant attendance on her Royal Highness, his testimony respecting her conduct would be of the highest import. He was in close attendance on her person, by special appointment, during her Royal Highness's visit at that place; and feeling the great importance of his testimony, her Majesty was desirous, as far as possible, to be armed against the case in support of the Bill. Accordingly, her Majesty, with her own hand, wrote a letter, and sent it by a special messenger of the most respectable sort, to procure the attendance of the witness in question. That letter, however, did not obtain the production of that witness. Her Majesty the Queen then wrote another letter, with her own hand, and sent it by another messenger—one, the learned counsel believed, to the chamberlain, and the other to the Grand Duke. Three letters were therefore written by the Queen, and sent by special messengers

to procure the attendance of this witness. It, however, appeared that the chamberlain himself was willing to come; but declared, with tears in his eyes, that he had received orders to the contrary from the Grand Duke; and accordingly, as might be expected, he had not arrived. With respect to the witnesses on the other side, the learned counsel would remind their lordships, that by the interference of two ministers and two ambassadors, the woman had been partly compelled to arrive; and this was the sort of operations that were carried on, and the species of compulsive influence which was exerted all one way. It would further appear, that her Majesty had at Radstadt seen a place which she was desirous to occupy. No intention was expressed by the Grand Duke to the contrary. The very same chamberlain had, on that occasion, proceeded even to the length of purchasing new furniture for this residence, when it was signified to her Majesty, that her inhabiting this place would not be agreeable. This might have been another reason for keeping back this chamberlain, who would have been so important a witness for her Majesty. Again, her Majesty conceiving it desirable that the conduct and character of Bergami, while in the service of General Pino, should be ascertained, application was made to that officer to come to this country. He, also, the learned counsel believed, expressed his willingness to come; but an intimation was given to him from the Austrian government, in whose service he now is, that, if he did come to this country, he was not to come in his uniform. So strange an injunction excited the gallant general's suspicions that it was thereby intended he should lose his commission if he obeyed the summons. He made inquiries whether that was the signification intended to be conveyed, but to those inquiries he had received no answer. Accordingly General Pino had not come, and would not come. These were some of the hardships and difficulties under which her Majesty laboured, and while compulsion was exerted towards the witnesses on the other side, for forcing their attendance on the House, a similar degree of influence was manifested to prevent the attendance of some of those witnesses necessary to the Queen's defence. Those difficulties did not rest merely on the individual

cases the learned counsel had mentioned; but lawyers and physicians, and other persons, who could give most important testimony, were not forthcoming from the same exertion of undue influence. He begged now to make some few remarks on the case generally, before he opened the evidence in defence. He would ask, how it was possible, if the guilt of her Majesty were so notorious as the preamble of this bill charged that proof was so long in its preparation and production. It was proverbial, that a plain case could not need such delay. If a man assassinated another in the noon day at Charing Cross, he could not be guilty of that crime, without numerous witnesses to attest his iniquity, and bring him to condign punishment. It was the commission of the crime at midnight, in the dark, and in secret, that rendered proof precarious, and yet here the guilt of her Majesty was charged to exist in the face of day. If it were really so, the learned counsel would ask, why had so great a delay occurred in getting up and bringing forward this case? How was it, to that, with all the proof adduced on the subject, her Majesty's chamber-maid, who had attended her in the first two months of her travels, had not been called: These inconsistencies argued the feebleness of the case on the other side, and showed the ingenuity with which it had been got up: He would now ask whence all this delay—why in a case at least next in point of enormity to that of high treason, kept back to this season. Why was a period of three years suffered to elapse before the facts were brought under judicial observation—a time which he begged leave to state, if suffered to pass by before a charge of treason were brought, would render that charge altogether nugatory. Could it be pretended that the conduct of the Queen Consort of this Realm, or if not actually the Queen Consort, the wife of the representative of the sovereign acting at the head of the executive, was a matter of no importance to this nation? Could that be urged as an excuse for the delay which had taken place in the production of proof? Surely not. Would it not be surmised, then, he would ask, that it was not what the Queen had done in Italy, but the fact of her coming over to England that gave rise to the charges in the preamble of this bill? And when this

was known, he would ask, as the humble advocate of her Majesty, whether it ought not to operate in favour of her case? It was for the framers of this bill to explain the causes for this delay: but if the interpretation he had given to the facts were true, then he conceived a considerable shade would be thrown over the whole transaction in the eyes of their lordships. The learned counsel then proceeded to advert to the testimony of Dunmont as to the appearances of the bed in her Majesty's room at Naples, on the night of her arrival in that city, and by contrasting the answers which she had given on three several occasions, to infer that in point of fact, her statements were utterly undeserving of credit. He then called their lordships' attention to some of the detached facts, or rather acts, he would say, which had been proved by the witnesses for the bill—and to the manner in which he was prepared to meet those facts. He admitted that he might not be able to contradict all the circumstances and minute allegations which had been brought against his illustrious client—a state of things which might fairly be attributed to the little time there had been allowed to obtain the necessary information, and to make the necessary inquiries. It might be said, that he could have had more time allowed; if such had been his wish; but the Queen was naturally impatient, from the situation in which she had been placed, and could not suffer so extraordinary an equilibrium to prevail, as that of the evidence of twenty-one persons, accompanied by two speeches against her, in one scale; and not a single tithe of an observation in her favour in the other. The course which his learned friend (Mr. Brougham) had taken, was rather to make general remarks on the evidence, than to dwell upon those minute particulars, which, in the fair examination of the case, became necessary. He would now humbly endeavour to supply his omissions. He would begin with the evidence as to what occurred on board the *polacca*. Majochi's evidence respecting the bath which her Majesty had taken, was no doubt fresh in their lordships' recollection. He had stated, that this bath was taken in her Majesty's inner-cabin, and that Bergami was with her in that room. Now what were the facts? The bath consisted of a tub—and he

would prove that it was physically impossible that that tub could have been placed in her Majesty's apartment—a contradiction of no small importance to this witness. Again,—Gaetano Patursio had stated, that when Bergami changed his sleeping cabin, he was so placed that the Queen and he could see each other as they lay in their beds. In opposition to this he would distinctly shew, that from the situation of the Queen's bed that fact was rendered impossible. This was another contradiction. The truth was, that the change which had taken place in the situation of Bergami's bed was accomplished without her Majesty's knowledge, and in consequence of a surgeon having been taken on board at Tunis. Then, with regard to the sleeping tent on deck. It was in evidence that this tent or awning was within half a yard of the steersman, who was employed night and day on that spot. Why was not this man called? If noises arose in the tent, as Majochi had described, surely he was much more likely to have heard them than a person below. But he would prove that the crew had constant access to this part of the vessel, and that one of the officers, whose duty it was to be on watch at night, had frequent conversations with her Majesty as to the state of the weather, their progress, and so on; and in answering her questions, lifted up the side of the tent for that purpose. The learned counsel then went on to advert to a great variety of other points, upon which he should be enabled to give the clearest contradiction to the witnesses upon some of the most prominent parts of their testimony. He concluded his address at one o'clock.

Earl GREY then rose.—Before the house proceeded further with the investigation, he wished to call their lordships' attention to two statements that had proceeded from the learned counsel; and which, to him, appeared of so much and so deep importance, that he should not feel to have discharged his duty unless he submitted to them the propriety of calling in counsel to know whether they were ready to proceed to the proof of their assertion (hear). He alluded to the statements made by the learned counsel of the means which had been used for the obstruction of evidence in favour of the Queen, which they stated

to be of a most important nature. Two different instances had been brought forward: the first relative to the Chamberlain of the Grand Duke of Baden, and the other to General Pino. He was sure their lordships would excuse him for his earnestness upon a subject so deeply affecting the character and justice of their proceedings. He was sure that the first feeling of their lordships would be, that this matter ought to be explained; and, with all proper submission, he must still suggest that counsel should be called in to state whether they were prepared with proof of the assertions made by them; and, if they were, that their lordships should proceed with that inquiry first, before they went on further with the investigation.

Lord LIVERPOOL said, that if her Majesty's counsel, instead of sending two or three agents into Germany in her Majesty's behalf, had applied to his Majesty's ministers for the removal of this obstacle, he would pledge his honour that not a single moment should have been lost in sending a special messenger to Baden. Indeed, he would now promise the learned counsel, that if they were of opinion that the evidence of the individual in question was material to their case, two hours should not elapse before a special messenger should be sent to request his attendance. After again reminding their lordships that no application had been made by the accuser's counsel to his Majesty's government, he stated that it was not for him or their lordships to judge what the causes were which had induced them not to make such application: they were unknown to their lordships, but, beyond a doubt, were satisfactory to those who had acted upon them. Still he must repeat, that if they now wished application to be made, two hours should not pass away before it was made.

The LORD-CHANCELLOR then addressed himself to her Majesty's counsel, and informed them that he was commanded by the house to ask them whether they were then prepared to prove the assertions which they had made regarding the non-attendance of the chamberlains of the Grand Duke of Baden and of General Pino.

Mr. BROUGHAM: As her Majesty's counsel had not expected to be

called upon to prove those assertions in that stage of the proceeding, they had not made arrangements to that effect. They were not, therefore, at that time prepared with their proof, in all its particulars, of what related to General Pino. Part of it depended upon witnesses who were then abroad in the employment of her Majesty, especially of Mr. Henry, who was now at Milan, collecting evidence for her defence. They had letters, however, from her Majesty's agents abroad, which, in any ordinary case in the courts below, would authorise a solicitor to offer an affidavit of facts to the judges. With regard to what had occurred between her Majesty's agent and the chamberlain of the Grand Duke of Baden, they were perfectly prepared with their proof, and were ready to offer it that moment to their lordships, prefacing it, however, with one remark—that they had not applied to his Majesty's government, because they knew that even if ministers did interfere with their influence, that influence would be nugatory, when exercised in behalf of her Majesty, though it would be quite sufficient to throw impediments in her way, when exercised against her.

Earl GREY could not help remarking that the case had assumed a very different appearance, now that it was stated that no application for their interference had been made to his Majesty's government. The mode of proceeding which he had recommended was no longer rendered necessary by the circumstances of the case.

The LORD CHANCELLOR said, that he was commanded by the house to inquire of her Majesty's counsel, whether, as they had not called upon the British government to exert its influence with the Grand Duke of Baden to compel the attendance of his Chamberlain, they considered his evidence to be of material importance to their case?

Mr. BROUGHAM.—Most unquestionably we do. We have only failed to apply to his Majesty's government for the reasons which I have above stated, and also because we only knew of this insurmountable obstacle within the last day or two.

The Earl of LIVERPOOL said, that as no application had been made to his Majesty's government, no imputation for unfair dealing could be made

against them, and therefore there was no reason why this inquiry should not now go on. Her Majesty's counsel had no right to assume that an application, which they had never designed to ask his Majesty's ministers to make, to procure the attendance of the Chamberlain of the Grand Duke of Baden, would have been ineffectual: when it had been made, and made in vain, it would have been soon enough for them to have complained. He again offered, if her Majesty's counsel thought the testimony of that individual important to their case, to exert himself to the utmost to procure his attendance.

The Earl of **DONOUGHMORE** complained that her Majesty's counsel had made a statement imputing injustice to the government, when in fact no injustice what-soever had been committed by it. Such a statement, coming from such a quarter, was calculated to increase the irritation which already existed in the public mind; and he was sorry to say that was quite needless. So much inflammation had been already excited, so much misrepresentation had already gone abroad, that many noble lords who had taken part in the present transaction, and who had had no other object in view than the obtaining of substantial justice for all the parties concerned in it, stood before their country almost in the situation of culprits.

Lord **HOLLAND** complained of the charges which had been brought by the noble Earl, who had last spoken against the counsel at the bar, as unjust and improper. If the counsel were transgressing the rules of the house, it was in the power of the house to have stopped them.

The **LORD-CHANCELLOR** concurred with the noble baron who had recently addressed them in thinking that it was unbecoming the members of that house to enter into controversy with the counsel at their bar. All their lordships possessed equal rank and authority as judges, and had full power to interrupt any counsel if he appeared to them to be proceeding in an improper manner.

FIRST WITNESS.

[**JAMES LEMAN.**]

JAMES LEMAN was then called in, and examined by Mr. **DENMAN**.—

He deposed as follows:—I am clerk to Messrs. Vizard and Blomer, solicitors to her Majesty. I was sent by her Majesty's orders to Karlsruhe on the 1st of September. I arrived there on the 14th. I was provided with a letter to the Chamberlain of the Grand Duke of Baden, Baron d'Ende. I informed him he was requested to attend as a witness at this trial on the 17th of Sept. I took down his examination on the 20th, for the purpose of preparing briefs for counsel. He consulted minutes he had at Baden. The Grand Duke was then at Baden. When I took the deposition the Baron was willing to come to this country. He afterwards said he could not come without the consent of the Grand Duke. He subsequently told me the Grand Duke had refused him permission to come. I remember his saying he enjoyed an estate in Hanover, under his Majesty, but that should not prevent his coming over, because he was satisfied his Majesty would not think ill of him for coming. I afterwards wrote to him to make a deposition before the local authorities on the spot. He said he could not do so without the consent of the Grand Duke. I returned from Karlsruhe the day before yesterday. Mr. Sicaud arrived at Karlsruhe whilst I was there. If I applied to his Majesty's government on my arrival, twelve days, at least, must elapse before a messenger could be sent, and an answer received from Karlsruhe. The conversation to which I have alluded was chiefly in French.

SECOND WITNESS.

[**ANTHONY BULLER ST. LEGER.**]

Colonel **ANTHONY BULLER ST. LEGER**, examined by Mr. **DENMAN**.—I had the honour of being her Majesty's chamberlain I think about eleven years; from 1809 down to October 1819. I went abroad with her Majesty. I went so far as Brunswick. I had entreated that her Royal Highness would dispense with my attendance on account of the bad state of my health, and she was good enough on that account to dispense with it, after her arrival at Brunswick, in the tour she was then about to take. I understood from her Majesty then, that her tour would be through Germany and Italy, and she was good enough to say

that she would dispense with my attendance after her arrival at Brunswick. This was the understanding before I left England. According to that permission I left her Majesty at Brunswick; she was then good enough to say that I might return if I chose. I think I received a communication in July or August, that it was her Majesty's intention to come to England in the month of September following. In consequence I prepared, as I was desired, to meet her Majesty at Dover. The only reason why I did not meet her Majesty, was the state of my health. I have been for a considerable time obliged to go into Devonshire—where I am confined within doors all the evenings during the winter months. Since her Majesty's return I waited upon her immediately on her arrival. In consequence of my health, I requested permission from her Majesty to resign my office, as during the winter I could be of no use to her Majesty. On that account her Majesty was pleased to accept my resignation.

The ATTORNEY-GENERAL declined asking the witness any questions, and he withdrew.

THIRD WITNESS. (EARL GUILFORD.)

Earl GUILFORD, examined (in his place) by Mr. TINDALL.—I recollect coming to Naples after the Queen had arrived there, about the beginning of March, 1815. When I arrived at Naples, the suite of her Royal Highness was formed by Lady Charlotte Forbes, Sir William Gell, the Hon. Keppel Craven, and Dr. Holland. These were all, to the best of my recollection. I recollect seeing Bergami. As far as I understood, he was called a courier. I remained, at the period to which I allude, at Naples, three or four days. Lady Charlotte Lindsay arrived with me at Trieste; but did not accompany from thence to Naples. I went there before her. I next saw her Majesty at Rome. The interval was but a few days. She remained there two or three days. I dined once with her Majesty at Naples. There was a large party of English and several foreigners, Lady Charlotte Lindsay dined there, and I believe Madame Falconet. I cannot recollect the particular persons. I next saw her Majesty at Civita Vecchia. I believe she

embarked there for Genoa. She remained there I believe five or six days. Lady Lindsay and myself lived in the same house with her Majesty, and lived at the same table every day. The Marquis de Mauza, the master of the house, was likewise there, and some of his family. The persons who formed her Majesty's suite at Naples were likewise there, with the exception of Dr. Holland. Madame Falconet was there, and her two daughters, one of whom was of the age of fifteen or sixteen, and the other a little younger. I had seen Madame Falconet before. She was the wife of a banker at Naples, and, I understand, was an English or an American lady. Her husband was in a very considerable line of business. I believe Madame Falconet associated in the first mercantile circles in Naples. I believe also she was in the first ranks with the English: but I was but a short time in Naples. Her daughters frequented similar society. She had one daughter married, as I understood, to a French gentleman, and another to an American gentleman. These were not the two ladies who were with the Queen. Her Majesty embarked on board the *Clorinde*. Madame Falconet, her two daughters, and Dr. Holland were with her. Lady Lindsay and myself disembarked at Leghorn. The next time I met her Majesty was, I think, in November, 1815, at the Villa d'Este, at her house near the Lake of Como. I first saw her Majesty on the Lake. I dined at the Villa d'Este. Bergami was then at her Majesty's table. I do not think I before saw him sit at her Majesty's table. I went away from the Villa d'Este the same evening. The next day I went to Milan, where I saw the Queen on the Saturday or Sunday following. I dined with her by invitation. When I went to Villa d'Este I had no intention of staying longer. I had made no particular arrangement.

CROSS-EXAMINATION.

Cross-examined by the ATTORNEY-GENERAL.—Did it happen to your lordship to see, while at Naples, at Rome, or at Civita Vecchia, whether Bergami waited upon the company at table?—I cannot recollect at Naples whether he did or not, but I think he did at Civita Vecchia.

Did he wait at table on board the *Clorinde*?—I cannot recollect.

What situation did Lady Charlotte Lindsay hold in the Queen's establishment?—She was lady of the bed-chamber.

When did her ladyship resign that situation?—I think it was at the beginning of May, 1817.

Where did she leave the service?—I think at Leghorn.

When you visited at the Villa d'Este, what ladies were in attendance?—There was an Italian lady, whose name I understood to be the Countess Oldi.

Had your lordship any opportunity of conversing with that lady?—Yes, I conversed with her.

From your lordship's knowledge of the Italian, did she speak what was termed the patois, or pure Italian?—I thought she spoke very good Italian, with rather the accent of Lombardy.

When at Villa d'Este did your lordship see the grounds about the house?—I did; I was shown them by her Majesty.

Does your lordship remember having had at the time a Greek or an Albanian servant?—I had a Greek servant with me.

Did the Queen accompany your lordship through the grounds?—Yes, she showed me the olive-yard, a great part of the gardens, and then lent me her donkey, her jack-ass (a laugh) to ride.

Did you see the Queen walking about the grounds afterwards?—I don't recollect.

Did your lordship see your servant walking about the grounds?—I might have seen him, but don't recollect.

Did your lordship see him in any part of the grounds with the Queen?—No.

Did your lordship ever state you saw him walking near the Queen?—Certainly not; I don't recollect it. I have stated that he said—

His lordship was here stopped from mentioning what he had stated he heard.

I am then to understand your lordship to say, that you never saw your servant that day walking in the grounds with the Princess?—Certainly not; I do not recollect having seen him; there were a number of people walking about there, but I do not recollect seeing him in particular.

Does your lordship recollect a grotto there?—Yes; the Princess showed me a grotto, I remember.

Does your lordship recollect your servant being there?—No; I do not.

Did your lordship never state you saw him there?—Certainly not. I never said so, for I recollect nothing particular that could fix it on my mind.

Your lordship might perhaps have seen him?—I might have seen him, but I do not recollect it.

Was your lordship accustomed to ride much at that time?—I seldom rode unless upon the donkey which belonged to her Royal Highness.

Did you ride over the grounds attached to the Villa d'Este?—Yes, certainly, I have passed over those grounds.

Were you attended by your servant on any one of those occasions?—Yes, sometimes.

How long did that person afterwards remain in your service?—I think he left me at Venice in the course of the year 1817.

Had you ever any conversation with your sister, Lady Charlotte Lindsay, on the subject of her remaining in attendance on her Royal Highness?—Yes, I recollect to have had some correspondence with her on the subject.

Did you recommend to Lady Charlotte Lindsay the propriety of resigning the situation which she held about the person of her Royal Highness?—I did advise her to resign it.

What were the considerations which induced you to give that advice?

Mr. BROUGHAM here desired to remind their lordships that this was a question addressed to points on which he had been restrained from entering.

The LORD-CHANCELLOR agreed with the learned counsel, that the examination was taking an irregular course, and it might indeed be advisable to expunge the preceding question and answer.

Mr. Gurney was then directed to obliterate the passage from his notes.

From the manner of the Attorney-General in the course of this examination, it was manifest the answers he received were not such as he anticipated.

Examined by Lord ROSS.—Did you ever see her Royal Highness in company with any other person in a boat on the Lake of Como?—I have certainly seen her in a boat accompanied by another person.

Who was that person?—I have seen her in a boat with Bergami alone.

Earl GREY.—Did your lordship notice any particular familiarity passing between them, when you thus saw her Royal Highness and Bergami in a boat together?—Certainly, I never observed any conduct on that occasion which appeared to me to be indecorous.

Your lordship has already stated that the Countess Oldi had a little of the Lombard accent in her pronunciation; was any impression made on your mind with regard to her manners, as well as with regard to her language?—My chief impression was, that her manners were quite inoffensive.

Were they the manners of an apparently respectable and modest woman?—I saw nothing vulgar or immodest in her deportment.

Do you recollect any impression remaining on your mind after your conversation with the Countess Oldi, that you had conversed with a vulgar woman?—I do not remember any such impression.

Did you remark any difference between her manners and the manners of other Italian ladies?—I cannot say that I did; there was no observable or material difference; I should not perhaps call her a person of great refinement, but there was no part of her conduct that was singular or easy to be distinguished from the greater proportion of Italian gentlewomen.

Lord LIVERPOOL.—Do you consider that her manners and deportment were those of a woman who had all the advantages of a good education, or who had passed her life in the best society?—I did not converse long enough with her to be enabled to form any clear opinion on those points.

How often did your lordship meet her?—I met her on two occasions, once at the Villa d'Este, and a second time at Milan.

Did you know on either of those occasions that she was the sister of Bergami?—I believe I was not informed of that circumstance on the first occasion, but I certainly was aware of the fact when I saw her at Milan.

Lord ERSKINE.—You have stated, as I understand, that you noticed no defect of education or manners on your conversing with the Countess Oldi?—I had not the means of forming any opinion as to the mode in which she had been educated, but it

did not appear to me that there was any remarkable difference between her and other ladies of the country.

Lord LAUDERDALE.—At what part of the table did your lordship sit when you dined with her Royal Highness the Princess of Wales at the Villa d'Este?—On the side opposite to her Royal Highness.

How was your lordship placed in this respect when you dined with her Royal Highness at Milan?—As well as I am able to charge my memory with the circumstance, I sat at her Royal Highness's side.

You have already stated that Bergami dined at that table; at what part of it did he take his seat?—He sat, I believe, on the opposite side of the table.

Did your lordship receive any particular attention from her Royal Highness?—She always treated me in a very gracious manner.

Was there any thing remarkable in her deportment towards Bergami?—I remarked no peculiarity.

Where did Bergami's sister, the Countess Oldi, sit on that occasion?—By the side of Bergami.

Who else were present?—Lieutenant Hownam, William Austin, and a gentleman whom I understood to be an Italian physician.

Lord KENYON.—Do you recollect what was the size of the boat in which you saw her Royal Highness and Bergami together on the Lake of Como?—I recollect that it was rather a small boat.

Was it in motion at the time?—I hardly remember exactly whether it was moving or not.

What was its distance from the shore?—Its distance was inconsiderable.

Was the distance such as to afford you an opportunity of seeing them?—Yes, I had the opportunity.

How was Bergami employed in the boat?—He was rowing.

Earl BATHURST.—Was the Countess Oldi introduced to your lordship as the sister of Bergami?—No, she was not described as his sister at the time.

Would your lordship have made any remark on that circumstance, had it occurred?—I scarcely think that I should have regarded it as extraordinary.

Earl DARLINGTON.—Did you never observe any singularity in the

deportment of her Royal Highness towards Bergami?—I never observed any.

Lord BELMORE.—Did your sister, Lady Charlotte Lindsay, quit her Royal Highness of her own accord, or was she dismissed?—She quitted voluntarily.

Did your lordship recommend to her to do so?—I did.

What were the reasons or motives which induced your lordship to make that recommendation?

Mr. BROUGHAM objected to this question as one which counsel had been restrained from putting.

Lord ELLENBOROUGH.—Did you make any observation on the deportment and manners of Bergami himself?—I remarked that his manners were unobtrusive; I never saw him forward or assuming.—His lordship then stated, with reference to a former part of his testimony, that he had an imperfect recollection of having on some occasion remarked, but not as an extraordinary circumstance, that, after dining at the Villa d'Este, he had seen his Greek servant in attendance on her Royal Highness.

Had you any conversation with Bergami?—No particular conversation: he spoke a little: the only time when I was alone with him was in the gallery at Milan, but I do not recollect any particular conversation.

From the opportunity you had of observing Bergami's behaviour, could you form any opinion of his being superior to the situation he had formerly filled?—No, I do not think it struck me that he was.

FOURTH WITNESS.

(LORD GLENBERVIE.)

Lord GLENBERVIE, examined by Mr. WILDE.—I saw her present Majesty at Genoa. I was there with Lady Glenbervie. Lady Glenbervie acted in her Royal Highness's suite at Genoa in this way:—when her Royal Highness arrived at Genoa, Lady Glenbervie and I were there. Lady Charlotte Campbell, who was expected, had not arrived, and did not arrive for some days. Lady Glenbervie having been formerly one of the ladies of the bed-chamber to the Princess, proposed to attend her till the arrival of Lady Charlotte Campbell. During the time Lady Glenbervie attended

upon her Royal Highness, I frequently dined at her Royal Highness's table between the 25th of March and 17th of May; I saw Bergami every day I dined there. He waited behind the Princess's chair in the habit of a courier. I often had the honour of sitting next to her, and all I saw in her was the behaviour of any woman of rank to her servant. He often helped me and the Princess to wine and other things. His conduct towards the Princess was that of a servant. The company I met at her Royal Highness's table was Mrs. Falconet and her two daughters; Mr. Hownam, a lieutenant in the navy; Lady Charlotte Campbell came some days or a week after the Princess; Dr. Holland was also there most days, but not all; I likewise saw some Genoese noblemen; one in particular I recollect, Marchese Jean Carlo Negri. There were also some English officers of the navy. I also saw Lady Bentinck there, but I do not know that I dined with her. I remember attending a ball given by the Princess. I attended. A great many of the principal people of the place were there.

CROSS-EXAMINATION.

Cross-examined by the SOLICITOR-GENERAL.—I believe you did not live in the house of the Princess?—I did not, nor Lady Glenbervie.

When Lady Charlotte Campbell arrived after the lapse of a week Lady Glenbervie ceased to act?—Yes, but she was often there.

How many times in the week on an average might you have dined there? Two or three times, or how?—Yes, I should think, certainly, or more.

Do I understand you that at that time Bergami wore the dress of a servant?—He was in a courier's dress, a sort of Spanish dress.

Lord LAUDERDALE.—Did you meet Captain Pechell, of the *Clorinde*, at dinner?—I think I did.

FIFTH WITNESS.

(LADY CHARLOTTE LINDSAY.)

Lady CHARLOTTE LINDSAY was then handed to the bar by Mr. Brougham, who applied that she might be accommodated with a chair. The request was granted, and being sworn she was examined by Dr. LUSHINGTON.

Did you ever form a part of the suite of her Royal Highness the Princess of Wales?—I did.

When did you first enter the service of the Princess?—I think in the year 1808.

Did you attend her Royal Highness when she went abroad in 1814?—I did.

Were you not one of the ladies of the bed-chamber?—I was.

How far did you go with the Princess of Wales on that journey?—As far as Brunswick.

Why did you not go further?—It never was understood by her Royal Highness nor by me that I was to go further than merely to accompany her to Brunswick.

When did you again see her Royal Highness?—I saw her at Naples in the beginning of March, 1815.

Did you then act as lady of the bed-chamber to her Royal Highness?—I did.

How long did you then continue with her?—I joined her Royal Highness in the beginning of March. I remained with her as long as she continued at Naples; I accompanied her to Rome, from thence to Civita Vecchia; I then embarked on board the *Clorinde*, and quitted the Princess at Leghorn; this was by an arrangement which had been settled before we met.

By whom was her Royal Highness visited while at Naples?—She was visited by all the English of distinction there, and by the Neapolitans of distinction, and other parties.

Be pleased to state the names of some?—Lord and Lady Landaff, Lord and Lady Gage, Lord and Lady Cunningham, Lord and Lady Holland, Lord Clare, Lord G. Somerset, Lord F. Montague, Lord and Lady Oxford, Sir W. Gell, Mr. Davenport, Mr. W. Banks, and there may be others whose names I forget.

Was her Royal Highness visited by Mrs. Falconet?—She was.

And her daughters?—And her daughters.

Were you on board the *Clorinde* with her Royal Highness?—I was.

Do you remember where her Royal Highness slept on board?—She slept in a part of the Captain's cabin which was divided into two: her Royal Highness slept in one part, and the captain and his brother in the other.

Do you recollect any thing arising

in consequence of the cabin being divided into two parts?—Nothing particular, except that the Princess expressed some regret that the other part of the cabin had not been appropriated to me instead of the captain and his brother.

Did it occasion any difference between the Princess and the captain?—No, I did not observe it.

Do you remember a person of the name of Bergami being in the service of her Royal Highness?—I was often in company with the Queen when Bergami attended.

How did Bergami conduct himself?—In the common way in which a servant would.

How did her Royal Highness conduct herself?—In the manner that a mistress would conduct herself.

Did you ever observe any impropriety of conduct between the Princess and Bergami?—Never.

When did you quit her Royal Highness's service?—I sent in my resignation in the year 1817.

What was your reason for resigning?—My brother wrote, requesting me to return.

Have you seen her Royal Highness since she returned to this country?—I have.

CROSS-EXAMINATION.

Cross-examined by the SOLICITOR-GENERAL.—How long before her Royal Highness quitted Naples was it that you joined her?—I think about ten or twelve days.

How much time was occupied in proceeding from Naples to Leghorn?—We were one night in going to Rome; we stayed two nights at Rome, six at Civita Vecchia, waiting for the ship, and three nights on board the *Clorinde*.

Then you did not return into the service of her Royal Highness after being at Leghorn?—I did not resign. I left at Leghorn for the purpose of joining my brother, and having his escort home.

While at Civita Vecchia did you see Bergami?—I did.

Will you try to recollect with accuracy whether you did not see him at Civita Vecchia walking with the Princess?—The Princess and I frequently walked out together, and Bergami attended: he did not walk with us, but a little way behind us.

Did that happen every time you walked out?—Every time, as far as I can recollect.

Was there any other courier in the service of the Princess at that time?—I believe there was another—Hieronymus. He was with us.

Do you mean to say that Hieronymus also walked out you?—No, I do not recollect that he walked out.

Did any other person sleep in the division of the cabin where the Princess slept?—Yes, her maid.

Have you the least doubt that he did not walk out?—I do not think that I had the honour to walk out above twice with her Royal Highness.

Did you not say just now that you walked out with the Princess several times?—I might walk out three times, but at this moment I do not call to my mind more than twice.

Perhaps you will not swear that you did not walk out five or six times?—I can swear that we did not.

But you will not swear that you did not walk out four times?—I think not.

But every time you did walk out, the courier who accompanied you was Bergami?—He was.

Will you take upon you to swear that on none of those occasions her Royal Highness walked arm in arm with Bergami?—I have no recollection of it.

Will you take upon yourself to swear that she did not?—I can only say I have no recollection of it: as far as I recollect, Bergami attended at a little distance, unless he was called to be asked a question.

Then I understand that you will not swear that the Princess did not on that occasion walk arm in arm with Bergami?—I certainly do not recollect that she did.

But you will not swear that she did not?—I cannot positively swear, but I never was struck by it.

Why, if such a thing had happened, must it not have struck you?—I suppose it would, and therefore I imagine it did not happen.

But you will not swear that it did not?—I will not swear it, because she might have taken his arm on some particular occasion: that might have happened without my being struck by it as extraordinary.

You said just now that it must have struck you?—If they had walked arm in arm it would have struck me.

Then, though they did not walk arm in arm, the Princess might take his arm at Civita Vecchia?—She might, but I have no recollection of the circumstance.

You filled the office of lady of the bed chamber?—I did.

That did not necessarily lead you into her Royal Highness's bed-room?—Very frequently it did: frequently she sent for me.

At Naples?—At Naples.

Was the Princess always alone on those occasions?—Not always alone, certainly; sometimes there were persons with her.

Do you recollect ever upon these occasions seeing Bergami in the bed-room?—I have seen him myself in the bed-room, because we dined in the bed-room. I dined in the bed-room with the Princess and William Austin, and Bergami used to wait upon us as servant.

During the time you were at Naples?—Yes.

Did any other person, except William Austin, yourself, and the Princess, dine upon these occasions?—No, nobody but we three dined, but other servants used to come in and bring the dishes.

Did that happen frequently at Naples?—Yes, it happened whenever her Royal Highness had not company to dinner, excepting one day when I had leave of absence to go to Pompeii.

Did Bergami always wait on these occasions?—I think he did, but I cannot positively swear.

When was it you quitted the service of her Royal Highness?—In 1817.

Had any application been made to you to join her Royal Highness in Germany before you took the resolution of quitting?—Yes, there had.

How long before?—I cannot accurately remember how long.

Was any proposition made by her Royal Highness to appoint Colonel Lindsay her chamberlain?

Mr. BROUGHAM objected to this question. His objection was only that which his learned friends had so often urged—that if the proposition were made in writing, no questions could be put regarding its contents.

The LORD-CHANCELLOR was inclined to think that the question might be put, if it arose out of the examination in chief.

The question was repeated, and

Mr. BROUGHAM again urged his objection.

The LORD-CHANCELLOR said, that if the objection were taken, it must be argued, and as 4 o'clock had arrived, it might be proper to adjourn it till to-morrow.

Mr. BROUGHAM. I am willing to concede any thing rather than delay your lordships.—The house adjourned at 4 o'clock.

FRIDAY, Oct. 6.

Cross-examination of Lady CHARLOTTE LINDSAY, continued by the SOLICITOR-GENERAL.

There was a garden in the neighbourhood of Naples called La Fetterino. I walked in that garden with the Princess. Bergami was present. In going from Naples to Rome I travelled in the same carriage with her Royal Highness. Bergami travelled as courier on that occasion. I also went with the Princess in the same carriage from Rome to Civita Vecchia. I do not know whether Bergami travelled as courier on the latter occasion. I recollect Bergami, in the former part of the journey, coming up to the carriage after he had been called, when the Princess gave him some provisions [and something to drink, which she had in the carriage. I presume he came when called, from its being more natural than that he should come without being called. There was a bottle of wine in the carriage. Bergami drank from that bottle. I cannot say whether he returned that bottle. Her Royal Highness and I had finished our refreshment before he came up. Whether he returned the bottle or threw it away I am not certain. I rather think he returned the bottle into the carriage. After I had made up my mind to quit her Royal Highness I have no distant recollection that I said "it was a vast relief to my mind in having come to the resolution to quit her Royal Highness." I might have said that, but I do not know that I ever did; I certainly do not recollect ever having said, "that it was a great relief to my mind in having come to the resolution to quit her Royal Highness, for that I considered that no woman who had any regard to her character would stop in her service." I do not recollect having stated any words to

that effect, or any such words. I can say I did not make use of any such words; I have no recollection of having used them. I think it is extremely improbable that I should have made use of such words. I have no recollection whatever of having made use of words to that effect; and I repeat, I do not think it probable that I did. Upon quitting her Royal Highness it is possible I might have said, "that if it had not been for an anxious desire to assist a particular individual out of the savings of that service, I would have quitted her Royal Highness long since." I do not think, if I did use these words, that the former conversation, to which allusion has been made, passed at the same time. I do not think they were accompanied by an ill opinion of the Princess—as far as I recollect, I think they were not so. I have no kind of recollection of it; and I think it was not at all probable. In my former evidence I stated that some communication had been made from Lord Guildford. I have no recollection whether this communication was before or after, or about the same time of that communication. I do not know whether it was after I had actually resigned. I think, on consideration, what I said about the application of my salary must have taken place after the communication adverted to.

Re-examined by Dr. LUSHINGTON.—The conversation in which I have alluded, and to which the Solicitor-General has examined me—was with my husband and with my husband alone? Mr. Lindsay has been in distressed circumstances. He has been so for many years. Other circumstances induced me when in the service of her Royal Highness to feel uneasy. My feelings were a good deal agitated from the recent death of two near relatives. I allude to the late Lord Guilford and Lady Glenbervie. While I was in the service of the Queen, I myself never observed any impropriety in her conduct. Nor did any motive of that sort induce me to quit her service.

Examined by Lord DONOUGHMORE.—From the value which your explanation must have upon this case, I am bound to trouble you with a few questions. You have stated how long you were with her Majesty after your arrival at Naples till you quitted her.

This, I believe, in the whole amounted only to twenty-four days. Your experience therefore as to the propriety of her Majesty's conduct only extends to twenty-four days?—That was all in Italy.

LORD DONOUGHMORE.—It is to that part of her Majesty's conduct while in Italy that you are brought here to speak, and during that twenty-four days you observed no impropriety on the part of her Majesty in her intercourse with Bergami?—None.

What part of her Majesty's English suite was with her at Naples?—Sir William Gell.

Did he remain with her?—No; he resigned before we quitted Naples, on account of his health.

Was the Hon. Berkely Craven there?—He was; he also resigned.

Was Captain Hesse in her Majesty's service at Naples?—Captain Hesse was there; but I don't know whether he was in her Majesty's service or not. Captain Hesse did not quit her Majesty's service at Naples. He was in her service at the time mentioned. I am not aware that Bergami's sister Faustina, joined her service at Naples. I think I have seen Louis Bergami at Naples; but I cannot speak with certainty that he entered her service; nor did I hear of Bergami's mother entering her service. I don't remember to have seen a child of Bergami's about her Majesty's person. There was nothing in the conduct of her Majesty, that I had seen, which induced me to quit her Majesty's service.

The noble lord asked her ladyship if she had heard any reports prejudicial to her Majesty's character, which induced her to quit her service?

MR. BROUGHAM interposed; however objectionable this question was, yet he had no objection to admit that there were most scandalous and infamous reports circulated prejudicial to her Majesty's character by some base hirelings.

The **LORD-CHANCELLOR** said it was impossible that the House could receive in evidence any reports that the witness might have heard. The House was to decide upon facts, not upon reports.

Examination resumed:—I did not see any thing improper in the conduct of her Majesty, but the reports which I had heard concerning her conduct were of so unpleasant and degrading

a nature, as to make me think it was not proper to remain any longer in her Majesty's service.

By **LORD FALKLAND**:—I thought her Majesty's conduct towards her servants was extremely affable and familiar. I think the higher classes in this country are more apt to be condescending and kind in their conduct towards their servants than persons in the ranks beneath them towards their servants, and I think her Royal Highness's manner towards servants was peculiarly kind and condescending. I am not a very good judge of the conduct of foreigners towards their servants; but I have observed that they are more apt to converse familiarly with their servants than the English people. They are less reserved than the English towards their servants. I have observed in her Majesty's conduct towards her servants the same familiarity that I have remarked in foreigners. Her Majesty's familiarity in this respect did not greatly exceed that which I have discovered in foreigners, from the opportunities I have had of seeing. When I said that I had not observed any impropriety in the conduct of her Majesty towards Bergami, or any impropriety in his conduct towards her, I had reference to the peculiarity of behaviour to which I have adverted with respect to the treatment of servants by foreigners. There was nothing in her Majesty's conduct towards her servants which struck me as unbecoming her station and rank. Her Royal Highness appeared to me to speak to Bergami as she used to Sicard, and various other persons in her family.

By **LORD LAUDERDALE**:—his lordship asked the witness whether her brother had communicated any reports to her concerning her Majesty's conduct, and had advised her to quit her Majesty's service.—(This question was objected to, and withdrawn.)—The request made by my brother to me, that I would apply to her Majesty for money was made in writing. I have not that letter now with me.

MR. BROUGHAM objected, that even if the witness had it with her, it could not be evidence.

The next question put was as to the contents of the letter, its purport, and object.

MR. BROUGHAM again objected to this question, as being still more

irregular, because, if the letter was in existence, it must be produced; and its existence was not yet negatived. At all events, the letter could not be evidence to affect this case, because written by a third party to the witness. After a short discussion, in which Lord Erskine, Lord Eldon, Lord Grey, and Lord Liverpool took part, it seemed to be considered as a preliminary point to be established, that the letter was not in existence before its contents could be examined into. As to the admissibility of it as evidence, was a matter for further consideration when the question was raised. The impression was, that in all events, it was not admissible.

Examination was resumed—I suppose that when I entered her Majesty's bed-room at Naples, as I have already described, that I was sent for by her Majesty. I don't recollect ever going without being sent for; but I recollect that I did not knock at her door before I entered. When I stated that there was an arrangement between her Royal Highness and myself that I should quit her service at Naples, the proposal came from me. Her Royal Highness the Princess of Wales wrote to me when I was at Nice, to know if I had any objection to continue in her service, and I stated, that I should be most happy to obey her Royal Highness's commands, but that as my brother was going to England, and as I had occasion to be in England by the beginning of the summer, I wished to have the advantage of his escort, as I could not very well travel by myself.

By the ATTORNEY-GENERAL, through the Lord-Chancellor.—I cannot say in what month it was that I quitted her Majesty's service, but I should think it was about the month of June or July, 1817.

Another discussion ensued, touching the production of the letter adverted to by Lord Lauderdale, with a view to ascertain more clearly the motive of Lady Lindsay's quitting her Majesty's service.

The LORD-CHANCELLOR said, that, whatever might have operated on the witness's mind as an inducement to quit her Majesty's service, it was utterly impossible for the House to receive in evidence any reports circulated in Italy, prejudicial to the Queen, with a view to affect her case. If it was the pleasure of the House that

Lady Lindsay should search for the letter in question, she might be ordered to do so, but then it would be to be considered whether it was admissible.

Mr. BROUGHAM undertook that the letter should be searched for, and the witness then withdrew.

SIXTH WITNESS.

[LORD LLANDAFF.]

Lord LLANDAFF examined by Mr. BROUGHAM.—I was in Italy in 1815, and was accompanied by the Countess of Llandaff. I went there in November or December 1814, and continued for two years. During that time the Countess and myself frequently visited the Queen at her house. We generally visited her once or twice a week at Naples. We frequently dined there. I more frequently visited her evening parties. The Countess of Llandaff accompanied me most generally. At the same time I think the generality of the English and all the Neapolitan noblesse of the court visited her. During the whole time that I had any intercourse with the Princess I never observed any impropriety in her conduct. I never observed any thing in the demeanour or habits of the Princess which made it at all unpleasant for me to permit the Countess to continue her visits; not in the least. Bergami was at that time in the Queen's service: I saw him constantly. I never saw any thing in the manner of her Royal Highness towards him which was at all improper. I afterwards met the Princess at Venice, in June and July, 1815. I lodged at the same hotel, the Grand Bretagne. The Countess and I then renewed our intercourse. In our visits at that time, I never observed any thing in the slightest degree improper in the conduct of Her Royal Highness. When lodging in the same hotel, I have frequently gone into the Queen's sitting room of a morning. Her room was opposite to mine. On these occasions, I will not take upon myself to say whether I knocked at her door or not. I rather think I have gone in without knocking. I had a child with me, to whom the Queen took a fancy, and I used to walk into her room with the child, and I don't recollect whether I have knocked at the door or not. I have been in Italy two years, and I am very well acquainted with the manners of the coun-

try. In Italy it is a constant practice for men, as well as women, to visit ladies in their bed-rooms, in the course of the morning. It is as much the practice for men as women to do so. It is also an ordinary practice, in Italy, for men to visit ladies in their bed of a morning. Speaking of my own knowledge, practice, and experience (a laugh), I have visited ladies in their beds. That was in the ordinary intercourse of society. They were ladies of unimpeachable character and conduct.

Have you seen other gentlemen visit ladies in the same manner?—Frequently. I have been with other gentlemen at the same time. My brother and I have frequently gone together to pay a morning visit to a lady in bed.

CROSS-EXAMINATION.

Cross-examined by the ATTORNEY-GENERAL.—I was at Venice in July 1815. Bergami was at that time in her Royal Highness's service. I did not dine with her Majesty at Venice. I was at Venice two months. I don't know how long the Queen was there. When I spoke of visiting her Majesty in her room, it was in her sitting-room, and not in her bed-chamber.

By Lord LAUDERDALE.—I don't recollect the names of any other of her Majesty's attendants, but Bergami. He was a man of a singular figure, and I remembered him. I don't recollect who pointed him out as Bergami; but he was pointed out to me at that time. I never asked what his name was.

By a PEER, whose name we could not learn:—I never observed any thing in the Princess's conduct calculated to reflect disgrace on her own country.

By Lord ELLENBOROUGH.—I was at the ball given by the Princess at Naples, but I don't recollect seeing her dress.

SEVENTH WITNESS.

[HON. KEPPEL CRAVEN.]

The Hon. KEPPEL CRAVEN, dressed in a court dress, as her Majesty's chamberlain, was next sworn; and examined by Mr. DENMAN.

In 1814 I was in the service of the Princess of Wales, as one of her chamberlains. I joined her Royal Highness at Brunswick. I accompanied her from Brunswick to Milan, and thence

to Naples. When I joined her, there was no stipulation as to the time I should continue in her service, but I was to remain with her for as much space of time as my affairs would allow me to remain with her. I remained in attendance upon her Majesty for rather more than six months. I left her at Naples. It was always understood when I entered her service, that I could not stay with her more than two or three months. I remained with her four months longer than I originally intended. When I was at Milan with her there was a courier discharged by her Majesty for his misconduct. By her Majesty's desire I applied to the Marquis Guisillieri, Lord-Chamberlain to the Emperor of Austria, to recommend a person to attend upon her Majesty in the capacity of courier. He accordingly recommended a person, whom I afterwards found to be called Bergami. He was recommended as a person fit to be received and trusted in the service of her Royal Highness. He recommended him very strongly. Bergami was described by the Marquis to be a person whose family and connections he well knew, and that he had for a long time taken an interest in their welfare.

The ATTORNEY-GENERAL objected to this course of examination. Bergami's origin, family, and connections had nothing to do with this inquiry.

Mr. DENMAN insisted, that all that passed on this occasion was of the last importance, inasmuch as the foremost allegations of the bill was, "that the Queen had associated herself with a person of low condition, hired in a menial capacity, who had raised him beyond his merits, to a situation of confidence about her person." If it could be shown—as would be shown—that this person was a man of family, of the highest connections in point of respectability, though reduced in circumstances, he apprehended that the course of evidence he was now pursuing, was most essential to negative that part of the case. After a few words from the Lord-Chancellor, who thought the evidence was clearly admissible,

The witness being again called in, his examination proceeded.—I did not know any thing about Bergami previous to his being recommended by the Marquis Guisillieri. I was directed to make inquiries into his character, and

in consequence of those inquiries which I made of the Marquis, I told her Royal Highness that Bergami was recommended by a person who knew himself and family for some time. I communicated this to her Royal Highness. The Marquis expressed a hope that Bergami would be promoted in case he behaved well. He said he might, in the mean time, remain in the house as a servant out of livery. I do not recollect that he stated any thing particular about his family. I saw the Marquis and Bergami twice together. The former saluted him, and treated him with civility.

The SOLICITOR-GENERAL objected to any question tending merely to show the manner in which Bergami was treated by the Marquis.

The LORD-CHANCELLOR said the witness might be asked what were the circumstances of recommendation he mentioned to her Royal Highness?

Witness.—The Marquis told me he had known Bergami's family for a long time, and that he was particularly interested about him. I went to Naples with her Majesty. On our way towards that place, not far from the city, we were met by some officers of the King of Naples, and by the King himself soon after. We met them half an hour before dark, about half-past six. They came to meet her Royal Highness. I went that night to the house taken for her at Naples. I do not recollect exactly the relative position of all the apartments; but some of the bed-rooms were highly inconvenient. There was not room enough for the whole suite of her Royal Highness, and in consequence of these inconveniences, Sir William Gell and I took lodgings next day out of the house. I recollect the King and Queen of Naples calling on her Royal Highness, and the next day after our arrival she dined at court. In the evening a concert was given, and her Royal Highness remained there till half-past eleven. I left the concert with her. On the evening following, she went to the opera. Myself and the rest of the suite went with her. Her Royal Highness went from her own house to the palace, and thence to the opera. She sat in the state box. The opera at Naples always ends at a late hour. On that night it ended rather later than usual the dance was very long, and tiresome. Her Royal Highness remained till all

was concluded, till the curtain dropped. I recollect a masquerade ball given by her Royal Highness at Naples. I remember her having worn three different dresses on that night. I recollect two of them particularly, the third not so well. One was the dress of a Turkish peasant; the second, I was informed, was the Genius of History; the other a Neapolitan dress. I saw the Genius of History but a short time on her Royal Highness, and therefore do not recollect it particularly. It did not appear to me in the slightest degree indecent or improper. I think it was a dress with white drapery, which went up high, as far as I can recollect. I think her Royal Highness wore the Turkish dress before she put on that of the Genius of History, because the Neapolitan dress was the last she wore. I do not know whether it would be possible to put on that of the Genius of History without taking off any part of the Turkish dress. I do not think it would be necessary to change the latter entirely, for the purpose of putting on the dress of the Genius of History. I attended her Royal Highness from Milan to Naples. I did not observe any degrading familiarity between her and Bergami, in the interval between his being engaged at Milan and our departure from Naples. I subsequently dined at the table with her Royal Highness and Bergami three times. I observed no improper conduct on any of these occasions. I saw the Countess of Oldi once. She was not a person of vulgar manners. I remember a conversation with her Royal Highness with respect to Wm. Austin, before our arrival at Naples. Before we came into Italy I told her Royal Highness that it would be as well if Wm. Austin did not sleep in the same room with her Royal Highness. I said the people of Italy might make observations on it: and that he was now of such an age as might give rise to these observations. I do not exactly know what his age then was. It was more than six or seven: perhaps about thirteen or fourteen. At Naples I generally dined at the table of her Royal Highness when there was company. I saw Baron Ompteda frequently there at dinner. A person named Majochi had opportunities of seeing Baron Ompteda, for he waited at table on these occasions. I attended on the Queen soon after the death of

his late Majesty. I came to Rome soon after that event, and waited on her Royal Highness. She left Rome next day after my arrival.—[Here Mr. Denman put a question as to the title under which witness understood that passports were granted for her Royal Highness, and other official documents were received by, or delivered from her.—This question being objected to, was not pressed.]

The examination proceeded—The Marquis Guisillieri is now dead.

CROSS-EXAMINATION.

Cross-examined by the SOLICITOR-GENERAL.—I do not exactly recollect the day when I made the recommendation to her Royal Highness respecting Wm. Austin's not sleeping any longer in the same room. It was before our arrival in Italy. The recommendation was prospective on my part. I saw the Countess of Oldi at Pesaro, at dinner. I supped once at Pesaro at the same table with Bergami. I also dined with him there once. The third time we dined at the same table, it was at Rome, the day before her Royal Highness left it. I parted with her at Rome. The dress of the Genius of History was not the third her Royal Highness wore at Naples on the night of the masquerade; it was the second. I have no recollection of seeing Bergami at that ball. I did not go into the room where her Royal Highness dressed during any part of that evening. I cannot say whether the dress of the Turkish peasant was taken off or not before that of the Genius of History had been put on. Sir William Gell and myself lived out the house of her Royal Highness, the whole time we were at Naples, after the two first nights. We dined with her Royal Highness. The first gentleman in waiting remained in the house all day. The room in which we waited, was at the end of the rooms in the first suite. There were two rooms between it and her Royal Highness's bed chamber. On the first night of our arrival in Naples, I observed only the relative position of my own room, and that of the lady in waiting. I do not know in what room Bergami slept. I heard nothing mentioned about it. I did not say I made any representations to Lady Charlotte Lindsay respecting a certain circumstance I observed be-

tween Bergami and her Royal Highness on the terrace of the garden at Naples. I said I made those representations to a person at Naples. I said I spoke to her Royal Highness about it. The circumstance was, my having seen her Royal Highness walking on the terrace, and Bergami near her. He was also walking. The reason why I made these representations to her Royal Highness was, because I knew there was a spy near her, and therefore I thought it necessary to caution her, that she might be on her guard. I heard by letter from England that there was a spy near her, and I thought it necessary to caution her Royal Highness against any appearance that might be misconstrued. Her Royal Highness told me there were other persons in the garden upon that occasion. I did not see them. They might have been there without my seeing them. I do not know whether the terrace on which I saw her Royal Highness walking on the occasion was near the cabinet adjoining her bed-room. I saw them from the terrace on the opposite side of the house, near the apartment of Lady Elizabeth Forbes. I think that terrace was higher than the one on which her Royal Highness was walking. Bergami was on the same level with her Royal Highness while she was walking round the place. I saw her only from one end of the terrace to the other, as she was going off. I could then observe no other person but Bergami. It was the only time I saw them there. It was not long after our arrival at Naples. I cannot say exactly how long—more than a fortnight, less than a month, but perhaps a month. Her Royal Highness said there were workmen then in the garden, and that she took Bergami in there to speak to the workmen. I did not then see the workmen there. From the part of the terrace near the apartment of Lady Elizabeth Forbes I could see to the extremity of the building. I have been in the garden upon some occasions, and saw workmen employed there. I did not leave the service of her Royal Highness till she quitted Naples. I remember a short time before that Bergami came into the room where Sir William Gell and I waited. He often came there while we were in waiting. He never wore his dress of a courier upon these occasions, and never took a chair on coming into the

room while Sir W. Gell and I were in waiting. I have been frequently at the theatre of San Carlos with her Royal Highness when I was in waiting. I have been there when her Royal Highness was present, and I not of her party. I was never there at a masquerade when her Royal Highness appeared in a masque. I never was at a masquerade at Naples while her Royal Highness was in Naples, but once. During all the time I had been at Naples Bergami did not act in the capacity of a courier. He sometimes waited at table. He acted as courier only while travelling.

To a question by Lord ERSKINE.—If there was any gross indecency in the dress of her Royal Highness while at Naples, I must have observed it.—I never saw any thing immodest or indecent in her dress.

To a question by the Earl of ROSEBERRY.—I understood that my advice respecting William Austin was followed. In answer to further questions from Peers, he said, that Bergami did not appear to have the fawning and sycophantic manner of an ordinary Italian servant; but had rather the manner of a superior person.

In answer to a question from Lord ELLENBOROUGH, he said that he could not say what were Bergami's manners while he was a servant; not having had any opportunity of knowing; he could only speak of them when he was elevated into a different station, and when he had an opportunity of seeing him afterwards.

In answer to a question from the Earl of LIVERPOOL, he said, that he had no other reason than the letter from England to induce him to give the Queen a hint about the particularity of her demeanour. It was a hint he should have given of any body else as well as Bergami. In the journey to Naples, some of the Queen's gentlemen or pages were always near her Majesty, as if a guard for her, Hieronymous or Sicard, or some body else of the household.

In answer to questions from the Earl of LAUDERDALE, he said, that when he arrived at Pesaro last year, he saw Bergami for the first time since his elevation. He was not formerly introduced to him, nor could he say whether Bergami spoke in any particular manner to his (Mr. Craven's)

servant, who might have been in the room. William Austin came with Bergami, and he (Mr. Craven) went by invitation to sup with the Queen. There were several persons at supper with her Majesty, Colonel Vassali and others. There was a lady at the piano, who sung and played on the piano-forte, but who she was, he could not tell. When they arrived at Naples, the house appropriated to her Majesty was found too small for the whole suite, and he and others were on that account obliged to seek for lodgings elsewhere.

The witness was ordered to withdraw.

EIGHTH WITNESS.

[SIR WM. GELL.]

The next witness called in was Sir WM. GELL, who in consequence of having the gout, was indulged with a chair. He stated that he filled the office of chamberlain to her Majesty, since about a month before she went abroad. He remembered a courier being discharged while they were in Italy; it was determined to discharge him at Milan, though he went on to Florence. He was directed by the Queen to enquire for another. He did so, and found Bergami, who was recommended in the strongest manner by the Marquis Guisillieri, the Austrian grand chamberlain. The Marquis had stated, and in the presence of the Queen, that Bergami's family were respectable, but had lost their fortune by the French Revolution. He reported him to be a very proper person, and hoped that if he behaved well, which he had no doubt he would, that her Majesty would promote him. He said that Bergami would be found to be a perfectly honest, honourable, and trust-worthy man. He also remembered that when they were about to leave Milan, the Marquis, in the public streets, dressed in his full Austrian uniform as grand chamberlain, with his deputy chamberlain, and others around him, embraced Bergami before the people, and kissed each of his cheeks. This was the common customary salutation in Italy, not from a superior to an inferior, but among equals.

Some objection was taken by the counsel for the Bill to the witness's statement of the Marquis Guisillieri's

opinion of Bergami. It was justified by Mr. Denman, who said they were bound to shew that Bergami was not, as he had been represented, a man of mean and despicable station; and the questions were then allowed to be put. The witness then described the arrival of the Queen at Naples, and her being met at a little town near it by King Joachim (Murat). He also remembered her Majesty attending a long and tedious concert that night at the palace, and retiring from it about twelve o'clock. He also remembered her going in state with Joachim's family to the state box at the theatre of St. Carlos, which was brilliantly illuminated for her reception. The entertainment was the opera of *Medea*. He remembered also her giving a grand party to the royal family, in which on a sudden a door opened and displayed two Neapolitan countesses and a marquis, putting an olive wreath on Murat's bust. The dress resembled as much as possible Hope's *Minerva*. It was perfectly modest. The dresses of the Countesses whom I have mentioned were something of the same sort. From the suddenness of their appearance, however, and the quickness of their disappearance was such, that it was impossible to discover any thing clearly. It was like a flash of lightning, and was meant to be so represented. I quitted the Princess of Wales at Naples. I was afraid of travelling with her longer in the way which she wished from the state of my health. I was afflicted with the gout, and was frequently attacked with it while travelling. I saw her Majesty several times after. I first saw her when she was returning from Palestine. I met her on the road, and accompanied her to Rome. I renewed my attendance on her as a matter of course. I remained in waiting upon her Majesty so long as she continued at Rome. On that occasion I remember very well that several persons of distinction visited her Majesty. I presented several of those individuals myself. Among others the Count Blacas, the minister of the House of Bourbon. I remember this particularly, for at the same time that he was presented, the minister of the House of Braganza arrived, and announced himself as the minister of the House of Bourbon

also. The same year I was in attendance on her Majesty at the Villa Rosinetta, and the Villa Brande. I remained in attendance on this occasion three months or rather more. At that time I remember several persons of distinction visiting the Queen. I quitted her Majesty at this period because she was going to the North to settle some affairs, and she gave me leave to go to Naples. The Queen was going to the Lake of Como.—A large party was engaged to go with her Majesty to the Villa Como, among whom we saw the Prince of Saxe Cobourg and the Princess of Lichtenstein. But her Majesty resolved to sell her villa, and she did not go. I was in attendance two days when the Queen was last at Rome. On that occasion I saw the passport, or rather the order, for post-horses, which had been applied for and obtained for her Majesty. The order was signed by Cardinal Gonsalvi, the secretary to the Pope. Four other gentlemen saw it besides myself.

The witness was then asked as to the contents of this document, when—

The ATTORNEY-GENERAL objected to any question being asked to the contents of a written document. The instrument itself ought to be produced. He also doubted whether in point of fact this paper, even if it were produced, could be considered material to the case under their lordships' consideration.

Mr. DENMAN apprehended that from the decisions which their lordships had already made, the contents of the document in question might be obtained by parole evidence. As to its materiality this was a point on which he was perfectly prepared to satisfy their lordships. It was important to show to their lordships the manner in which the Queen of England had been treated by the secretary to the Pope, and this too under the influence of the Hanoverian minister. She had been described in this passport as the Princess Caroline of Brunswick, although already recognised as the Queen of this country. Thus degraded from her title, without a trial, and by the instructions of the individuals who had been instructed to bring forward this prosecution, to collect evidence, and to corrupt the witnesses, who, he might now say,

without the fear of contradiction, had been convicted of perjury before their lordships.

After some discussion, the **LORD-CHANCELLOR** was of opinion that the question could not be put consistently with the forms of law, and it was withdrawn.

The examination of the witness was then continued. She saw Bergami with the Queen at Rome several times. In the intercourse between the Queen and Bergami, she saw nothing improper. Bergami conducted himself towards the Queen with the most marked attention; but there was nothing in his manners singular, neither was there on the part of the Queen. The Countess of Oldi was in attendance at the Villa Brande. I had no opportunity of judging of her manners; she was not a person of low or vulgar manners; she is very pleasing—a rather good looking modest lady. It is very usual for men-servants to go into ladies' bed-rooms in Italy. I have been in the East, and have seen Moorish dances, both in the East and in Spain. It was very like the Spanish Bolero danced at our theatres. It was common in every part of Italy, and, I believe, prevails from Madrid to China. Ladies are constantly present at its performance.

The witness then underwent a cross-examination by Mr. **PARK**, but his answers were not important.

Examined by Lord **ERSKINE**.—I never on any occasion saw any thing improper whatever in the conduct of the Princess or Bergami towards each other.

Lord **ELLENBOROUGH**.—Did you observe any thing in the conduct of the Princess towards Bergami in her conversation, manners, or looks, to induce you to entertain the idea that there was an adulterous intercourse between them?—Upon my honour, I never saw the Queen speak to Bergami but on matters of business, though I was in the house three months together.

I wish for a more distinct answer?—(The question was read over to the witness.)—I never did.

Was there any thing in the manners of Bergami which made it disagreeable to you as a gentleman to share with him the duties of chamberlain?—On the contrary, he was remarkably attentive to me. He would have

handed me down stairs with a candle if I would have let him; but I was obliged to explain to him that being lame it hurried me, and I would rather he let it alone.

Do you consider that conduct of Bergami the conduct of a gentleman?—Perfectly so, to me.

Did Bergami, while you were with her Royal Highness, take more than his share of the duties of chamberlain?—Certainly not.

Did you observe any thing in the conduct of Bergami towards the Princess that would have been different from that of an English gentleman?—Nothing, but that he was more attentive. (Some laughter.)

The Earl of **ENNISKILLEN**.—What was the hour of the night at which the Queen returned from the Opera?—About one o'clock.

You described that the Queen was dressed on one occasion in a robe resembling a Grecian female: I wish to know whether that robe could be put over any other dress she had on that night without undressing?—Not only must it be so, but I recollect the dress her Majesty had underneath: it was perfectly plain, it came up to the neck, was very short, and had no train.

The **LORD-CHANCELLOR**, at the instance of the Solicitor-General.—When the Princess appeared in the Turkish dress, did she not wear trowsers?—I happen to know what the trowsers were, and I beg to explain them (explain! explain!) They are very much like the common petticoat, but sewed slightly between the legs and at the bottom—such as they are very often worn in the Levant.

Lord **BROWNLOW**.—When the Princess went up stairs to change her dress, had she any attendant to assist her, and who was it?—To say the truth, she had a great number of attendants: the door was opened and shut by every body who went in and out of the room.

SATURDAY, Oct. 7.

Lord **LIVERPOOL** suggested, whether, if Lady Lindsay were in attendance, it might not save her some trouble by then calling her in, to make any explanation which she might think necessary as to the letter to which she yesterday alluded.

Mr. BROUGHAM said that Lady Lindsay was not in attendance.

NINTH WITNESS.

WM. CARRINGTON sworn and examined by Dr. LUSHINGTON.—I am Sir Wm. Gell's valet. I have been in that situation nine years. Before 'bat I was a midshipman in the navy. I attended Sir Wm. Gell the latter end of 1814, at Naples. I lived in the house of the Princess. I remember Bergami coming into the service of the Princess as courier. I never heard of his coming into the service of the Princess having excited any jealousy. I never saw any jealousy after he came into her service. I remember the first night we arrived at Naples. I recollect that on that night Bergami slept in a small room over the steward's room. He did not sleep in the same room the second night. The reason was, that the room was so low he could not stand up in it. I remember the room he slept in the second night, it was about sixty feet from that of the Princess. There were three rooms and a passage between the Princess's room and Bergami's. William Austin occupied the first, Hierouymous the second, and Dr. Holland the third. These three rooms intervened between the room of Bergami and that of her Royal Highness the Princess of Wales. Some of them opened into the passage. I remember being at a masqued ball given by the Princess at Naples. I did not see the servants in any particular dress. I waited upon that occasion. I travelled in the suite of the Princess in the journey to Naples. I remember Mr. Wm. Austin. Before we reached Naples Mr. Austin slept in a room by himself when there was room. When there was not he sometimes slept in her Royal Highness's room. I know Majochi. I have seen him at Rupenelli. I heard him mention the name of Ompteda.

What did you hear him say respecting him?

The ATTORNEY-GENERAL objected to this question. He was not aware that any question had been put to Majochi as to whether he had any conversation with a person of the name of Carrington respecting Ompteda; and therefore he apprehended this question could not be put to this

witness for the purpose of contradicting Majochi on that point.

The SOLICITOR-GENERAL followed in support of this objection, and said it ought first to be stated what answer of Majochi's was meant to be contradicted, and then to put the question accordingly.

Dr. LUSHINGTON persisted that the question was strictly relevant and important to the decision of the present subject. It was necessary to prove that Ompteda had acted as a spy upon her Majesty—to corrupt her servants, to break open her private repositories, and to commit other acts of the same character.

Lord REDESDALE moved that the counsel should withdraw. He then submitted that there was no evidence of the character described by the counsel with reference to the Baron Ompteda, and therefore the observations of the learned counsel were not warranted.

Earl GREY could not conceive the learned counsel was exceeding those demands which his duty demanded.

The LORD-CHANCELLOR said, that this was the first time he had ever heard it attempted to prove the conduct of a third person—for instance Baron Ompteda—by the evidence of a conversation with a second. This was quite inconsistent with the rules of evidence.

After some further observations from Lord Erskine and Lord Lauderdale, counsel were again called in.

Dr. LUSHINGTON said, that his object was to show, that the conduct of the Baron Ompteda was such as ought to be examined in the progress of this case, and further to prove, by reference to that conduct, the necessity which was imposed upon her Royal Highness of having confidential persons sleeping near her person. The learned counsel then referred to the testimony of Majochi, in which he denied any knowledge of the Baron Ompteda, and urged that it was important to discredit this assertion, by shewing the fact of his positive connection with the Baron, as well as to shew a variety of other points upon which he had professed his ignorance, but in which he had been actually engaged with this very Baron. Majochi denied all knowledge of a plot: if he (Dr. Lushington) could prove that he had spoken of the plot, and was in the

habit of speaking about locks and keys, and of the Baron Ompteda corrupting servants after servants, he apprehended he ought not to be shut out from such proofs.

Mr. BROUGHAM supported the propriety of the course of examination proposed by his learned friend.

The LORD-CHANCELLOR said, much time might have been saved by stating the matters to which with reference to Majochi's evidence, it was proposed to examine the witness.

The ATTORNEY-GENERAL reiterated his objection, and contended that before a witness was contradicted, as to a particular conversation, it was necessary to have pointed his attention, in his examination, to the conversation which was meant to be so contradicted. Majochi was never asked whether he had had any conversation with William Carrington, and therefore no evidence could now be let in to prove that such a conversation had taken place. He had heard much of the conduct of Baron Ompteda; but denied that there was any proofs which entitled his learned friends to observe that the things stated by them were true.

The LORD-CHANCELLOR, after stating the nature of the difficulty, expressed his opinion, that, under all circumstances, the best mode, perhaps, would be to adopt the same course they had hitherto acted upon, and refer the matter to the judges.

Lord ERSKINE said, if the examination of this witness must now be built merely on what Majochi formerly said, he did not see how in fairness the question could be objected to. He thought her Majesty's counsel had a right, in their questions, not merely to refer to what Majochi formerly said, but with such commentaries as they might think the nature of his evidence required. Their lordships were to look, in the minutes, to Majochi's previous statements, and the only thing now proposed by counsel was to show that his statements, with respect to this point, must have been such as he knew not to be true at the time they were made by him.

Mr. BROUGHAM hoped their lordships would allow him simply to state what the proposition was.

The ATTORNEY-GENERAL objected to Mr. Brougham's being heard any further upon the subject, after having spoken to it so often before.

The LORD-CHANCELLOR said it was quite at the option of the house how often they would hear Mr. Brougham.

Mr. BROUGHAM said their object, in putting the question objected to, was, to shew that what Majochi, in his cross-examination, said, six times, he did not remember, and twice he did not know, had been detailed by him at length to another person. He (Mr. Brougham) would submit to their lordships, that it was now competent to him to prove that Majochi once remembered this in all its details; that these details were such as he could not forget, and that he mentioned such circumstances to the present witness as made it clear that the matter could not escape his memory.—They (the counsel for the Queen) contended that Majochi having sworn twice to his ignorance of a certain thing, and having sworn repeatedly that he did not remember it, they had a right to shew that the details given by him to this witness were such as he could not so soon have forgotten. The rule of law, he apprehended, allowed that a negative declaration to another person might be proved. It was not denied that he (Mr. Brougham) had a right to ask the witness, Carrington, what Majochi said. He had now, with respect to this point, no means of throwing discredit on the testimony of Majochi, than by showing that he made a declaration, or said something to Carrington of which he afterwards denied the knowledge, though the thing was detailed by him in such a way, and was of such a nature as could not so soon escape his recollection. His learned friends argued, that by a previous discussion a general question could not be put. But even though the King's Bench ruled thus, it should be considered that their lordships had precedents of the order to go by. They would find one in the case of the Duchess of Kingston. In the case also of Elizabeth Parry, tried at the Old Bailey, they would find, that the court did not consider themselves tied down by the rule of King's Bench. Suppose it was a fact, and not a declaration, to which Majochi swore ignorance. Suppose he was asked whether he knew any thing about the picking of a lock, at which himself was present, and for which a person had been turned out. If he said he knew nothing about it,

would it not be competent to him (Mr. Brougham) to shew that he was present at the attempt, and also when the person was turned out of it? There was a case in which the evidence would refer, not merely to a declaration, but where it would go to prove that he was bodily present. This was, no doubt, a different mode of showing that he had sworn falsely. But it was far stronger, as the declaration came out of his own mouth. The question respecting his declaration could not have been put to Majochi in his cross-examination, because the circumstance was not known at the time. It would be too hard to shut them out now from the opportunity.

The ATTORNEY GENERAL said, the question put to Majochi was, whether he knew of any dispute having taken place between Lieutenant Hownam and Baron Ompteda. He said he recollected nothing about it, and his learned friend (Mr. Brougham) now proposed to call a witness for the purpose of shewing that, from a conversation which took place two or three years back, it was to be inferred Majochi had knowledge of this quarrel; though, had he been cross-examined as to the fact of his having made any such declaration, he (the Attorney-General) would have had in the re-examination an opportunity of showing what took place at the conversation, by which the effect of an apparent contradiction might be done away. He was surprised to hear his learned friend (Mr. Brougham) argue this in the manner he did. A fact and a conversation were totally different things. A conversation might be explained. It was not so with respect to a fact. The point here was a declaration said to have been made by Majochi, and he would contend that such a declaration could not be brought forward to invalidate his testimony, as Majochi had not previously denied the conversation, in which such declaration was said to have been made. Had he been asked whether such a conversation took place, there might be some ground for the question. Now he apprehended there was none at all. His learned friend did not lay the slightest foundation for it.

Lord ERSKINE did not mean to say, that upon this point their lordships were to abide by the rule of law, as it might be laid aside by the judges.

For himself, however, whatever might be their decision, he should still continue of opinion that the question might be put. If their lordships wished to avoid the embarrassment of a possible dissent from the decision of the learned judges, he saw no reason why Majochi might not be called again to the bar, and confronted with the other witness. This he (Lord Erskine) frequently saw in the course of his practice. As a peer, he must give it as his opinion, that this evidence might be received.

The LORD CHANCELLOR thought the best mode would be to consult the judges. Their lordships, however, would not be bound to abide by their decision. They might dissent from them if they pleased. He did not deny that the witness Majochi might be called up again, but the best course, in his opinion, would be to ascertain what was the practice in the courts below. If it was their lordships' pleasure, he would shape the question to be put to the judges in the following manner:—"Whether, in the courts below, a witness, in the cross-examination, being asked whether he knew of a dispute having taken place, said he had no knowledge of it, not being asked at the same time whether he made, in conversation, any declaration of such knowledge; and after, in the defence, a witness being asked as to whether such a declaration had been made, it was consistent with practice to put this question? Secondly, Whether a witness having said that he did not remember any such dispute, and having said not, it was consistent with the practice in the courts below to ask a witness for the defence, whether he who made such denial, did not, in conversation, detail those circumstances, the recollection of which he previously denied in his cross-examination."

The Marquis of LANSDOWN thought the best mode would be to ask the counsel on both sides whether they had any objection to have Majochi called up again.

After a few words from the Earl of Lauderdale, the Lord-Chancellor, and the Solicitor-General, the question was referred to the judges, who immediately retired.

LADY C. LINDSAY.

Immediately after the Judges retired, Lady Charlotte Lindsay ap-

peared at the bar, and gave the following evidence in answer to questions by the Lord Chancellor and the Earl of Lauderdale:—I have searched for the letter referred to in my previous examination, and have not been able to find it. I have no reason to think it is in the possession of any other person. I have no distinct recollection of any thing contained in the letter, but the advice of my brother that I should abandon my situation with her Royal Highness, and some pecuniary arrangements referred to in it. I do not recollect what cause he assigned for this, but I have some idea that the cause which I before alluded to, in answer to a question put by a noble lord, might have been mentioned in it.—The reports I mentioned before of an unpleasant and disgraceful nature, were what influenced me to resign my situation.

By Lord ERSKINE.—Were these reports contradicted by your own experience and observation?

The question being objected to,

Lady Charlotte Lindsay then withdrew.

The Earl of LAUDERDALE suggested the propriety of the judges being present during any legal argument upon the admissibility or inadmissibility of a particular question.

Lord HOLLAND was entirely of a different opinion; could not see what necessity there was for the judges hearing any thing but the plain question on the legality or illegality of which their opinion was taken. This opinion the judges might give if in the adjoining room during the argument. It was for the preservation of their lordships' dignity, as well as that of the judges, that their respective functions should be well understood.

The Earl of LIVERPOOL suggested, that the same course upon this point should be persevered in that had been already adopted by the House.

TENTH WITNESS.

[JOHN WHITCOMB.]

JOHN WHITCOMB was called in and sworn. The answers he gave Mr. TINDAL, in his examination, were as follow:—I am valet to the Hon. KEPPEL CRAVEN. I have lived in that situation between six and seven years. I was there when the Princess of Wales went to Naples. I do not recollect

where Bergami slept on the first night of our arrival at Naples; but I perfectly well recollect where he slept on the second night. There was a passage near the room, which went from one end of the house to the other, back and front. There were three rooms intervened between Bergami's room and the Princess's. Mr. William Austin slept in one, Jeronymus in another, and Dr. Holland in the third. Dr. Holland's room opened into one passage, and the room of Jeronymus into another. The doctor's door was at the corner of the second passage, which turned in the first. The door of Bergami's room did not open into this passage. I remember where Madame Dumont slept. It was in the room over Doctor Holland's. I have been frequently in Madame Dumont's room alone with her, and the door locked and bolted. Sometimes the maid Annette was in the room with us, but seldom for any long time when I was there.

The door you say was locked and bolted when you were alone in the room with her?

The SOLICITOR-GENERAL objected to this question, the object of which, he said, it was impossible not to see. It was an illegal question, and on that account he hoped their lordships would not suffer it to be put.

Mr. DENMAN said he had no wish to put the question further.

The LORD-CHANCELLOR. — I think, Mr. Denman, you have put it as far you could. (A laugh.)

Some conversation then took place respecting the striking out of the minutes the last question, and it was struck out.

The witness's examination was resumed. He said—I do recollect the masked ball given by the Princess at Naples. I was there in attendance. Not by order, but walking about for my own amusement. I recollect some of the servants of the Princess being there in character early in the evening, not all of them; I saw Sicard, Jeronymus, and Bergami there, in a sort of Turkish dresses, the two former went away early and changed into plain clothes. I think I saw Bergami after, also in plain clothes. I think I saw him handing lemonade, or some refreshment; refreshments were handing about during the whole even-

ing. I was at Naples the whole time the Princess was there. Bergami's demeanour to her Royal Highness always appeared to me to be the same as that of the other servants of the household.

CROSS-EXAMINATION.

Cross-examined by the SOLICITOR GENERAL.—I lived but three or four days in the Princess's house after her Royal Highness's arrival at Naples. I quitted the house to attend Mr. Craven in his own lodgings. There was a long passage from the direction of Bergami's room to that of the Princess. In that passage there were three rooms. In going along the passage, you left Dr. Holland's room on the right; but leading into another passage, at the corner, and opposite Dr. Holland's room, there was a small room unoccupied, and next and immediately beyond it, was Bergami's room; so that Bergami's room was at the end of one passage, and communicating by a door with the other. There certainly was, therefore, a way of going by the passages from Bergami's room to the Princess's. Bergami's room was a corner room, near a small cabinet which looked into the garden.

Counsel at both sides, said they were done with this witness.

Lord ERSKINE said that the witness might withdraw, but he (Lord E.) had something to submit to their lordships. They would recollect what Dumont had said in a part of her testimony; he would recal to their lordship's recollection the words used by the witness. Dumont was asked—Where did you sleep at Naples?—In a little room up stairs.

Did you sleep alone there?—Yes, I did sleep alone there.

Are you sure you slept alone there?—Yes, I am sure I slept alone there every night.

The whole of every night?—Yes, the whole of every night.

And alone?—Yes, and alone.

Every part of a night, and the whole night alone?—The whole night and every part of the night alone.

Did you know where any of the gentlemen's servants slept? No, I did not.

Lord ERSKINE said, that after reading the extract from the evidence of Dumont, he should now propose that the last witness John Whitcomb

be called in and asked "Was he during the whole or any part of any night in the room of Madame Dumont, and she in bed in it?"

The SOLICITOR - GENERAL humbly took an objection to this question. It was clear that the object of the questions just read by the noble and learned lord, and which had been put to the witness by the counsel for her Majesty, was to insinuate that somebody had been in the witness's sleeping-room. It was clear, that legally the witness could not, if she had objected to the question, have been pressed to give an answer. It was equally clear, he thought, that if she had been asked, whether she had slept with any particular person, and denied that she had, evidence could not be adduced to contradict her denial. If he were right in that position of law, the question about to be put by the noble and learned lord was irregular. He spoke this with great submission to the noble and learned lord's experience and talents.

Lord ERSKINE was of opinion that he was right in putting the question. He thought the learned counsel who had cross-examined, were not only entitled to ask her if she slept alone, but also to prove how that fact stood. Over and over again he had followed that course at the King's bar. Though he contended that the question might be put, he was still perfectly ready to admit that the witness was not bound to answer. The noble and learned lord then alluded to his own practice in the courts below upon this subject, and stated a conversation which he had with Lord Ellenborough, whose learning and talents he highly appreciated. He said, in talking to the noble lord, in the way of a suppositious case—suppose in your walks in the improvements about Russel-square, some fellow dared to charge you with the commission of an infamous offence you had not committed, you would, I suppose, send for me and I should advocate your cause. Suppose, continued the noble and learned lord, that I had every reason to believe the fellow was infamous. Suppose on the trial, I asked the fellow, who are you? A. A captain of a ship. What ship? A. She is gone to America. Suppose I said, "Look nearer to me, Sir, I think I recollect you; are you not the very man that I once unsuccessfully de-

sended on a charge of returning from transportation." He may, I know, object to answer; but the point is, have I not a right to put the question, and, should he deny the fact, then to prove it by other testimony. If the learned Solicitor General's position were right, the judge would say to me—"No, you cannot prove this now: but should your noble friend be convicted, he can press it in a motion for a new trial." Nothing could be so fatal as such a way of settling the matter. He had, therefore, he contended, a right to see whether the witness could controvert any part of Dumont's statement of herself. He then desired the witness Whitcomb to be recalled.

The LORD-CHANCELLOR said that his noble and learned friend would take care not to press his question, until the sense of the House was taken, whether it should be answered or not. With reference to the point of practice the form was, between forty and fifty years ago, for the judges, upon an objectionable question being put, to tell the witness he was not bound to answer it. But he understood an alteration had taken place in that practice; and the present practice was to allow the answer to be taken if the witness chose to give it; but not to suffer that answer, whatever it be, to be afterwards controverted or contradicted by evidence. The noble and learned lord quoted Phillips's Law of Evidence, and the case of the King and Watson, to show what was the recent practice of the courts.

Lord ERSKINE still maintained the propriety of the course he proposed.

The Earl of LIVERPOOL said, that even if the witness proved he had been in the room with Madame Dumont, she might still reconcile that circumstance with what she had previously said, which was that she never slept with any body in her chamber. How far was it possible for their lordships to go with that point unless they could sift it to the bottom, which from the practice of the courts, it was impossible they could do.

Lord ERSKINE said he did not mean to carry it further than to shew a contradiction in the woman's evidence.

Lord REDESDALE thought that the question could not be put.

The Earl of LAUDERDALE said, that the propriety of adjusting the

manner in which a question ought to be put, should be vested in the judge.

The LORD-CHANCELLOR:—The construction put on the question to Dumont fully shows its meaning. I think it was to get from her an admission that she was guilty of some immorality. This she denies, and I am of opinion that no witness can be called to contradict it.

The Marquis of BUCKINGHAM said a few words which were inaudible.

The LORD-CHANCELLOR:—I am quite sure no noble lord will press any question until he knows whether it be the sense of the house that it should be put. Let it be understood by the witness that he is not to answer any question till the house wish it.

Mr. BROUGHAM: Yea.

Lord ERSKINE. Why, my lords, a second question may almost necessarily arise out of an answer which no one can foresee. I shall ask him then—Where did you sleep at Naples?—In the next room to Mr. Keppel Craven, every night while I was there, and during the whole of the night, and never went out into any other bed.

The LORD-CHANCELLOR. I suppose counsel have finished.

Mr. BROUGHAM. Yes, my lord.

Lord ERSKINE. I wish to put one other question:—While at your lodgings did you ever sleep out, and on sleeping out, slept in that you had left?—I never after slept in the Queen's house.

By Lord LAUDERDALE.—I was six years in the service of Mr. Keppel Craven; I entered it at Wurttemburgh house, near Hammersmith; I do not recollect in what month or year, but I am sure it is six years ago, or more. I could then speak a little French, so as to understand and be understood; but I could speak no Italian. I was at Pesaro with Mr. Craven, and was in the room when Bergami was there; on my coming up stairs I first met Bergami, and he then pressed my hand and passed on.

By a Peer.—After I left the house I was frequently in Dumont's bedroom.

By Lord LAUDERDALE.—I saw other persons in Dumont's bed-room; Annette and another.

The LORD-CHANCELLOR:—Witness may withdraw.

The Judges here returned and delivered their judgment from a written paper in the negative—adding, however, that in cases of a grave and serious nature, the court would itself supply the deficiency caused by the negligence of counsel in not putting such questions at the proper season, in order thereby that the ends of public justice should not be defeated. The Lord Chief Justice of the Court of King's Bench read the Judges' answer, and at some length entered on the reasons for their decision.

THEODORE MAJOCHI.

After a short conversation and a subsequent pause of a few minutes, Theodore Majochi was introduced to the bar, his appearance rather squalid, and his outside habit a dirty brown coat. He was examined by Mr. Brougham.

Ask him, if he saw at Rupinelli, Wm. Carrington, the servant of Sir Wm. Gell?

"Non mi ricordo"—I don't remember that. Non mi ricordo having seen Sir Wm. Gell's English servant any where near Rome, (a general laugh, and cries of order below the bar). I think I have seen his servant at Rome, but not at Rupinelli. I have never said to him that Ompteda had employed some one to get the keys of the Princess at Como, in order to have false ones made from them, nor did I ever tell him any thing to the like effect. I never told him that a person employed for the aforesaid purpose by Ompteda had confessed to the police such employment, and been discharged in consequence. I never told Carrington that, on the Princess having ordered her servants to take no notice of the conduct of Ompteda, that I myself said I would think nothing of killing him like a dog. I never said any thing of the villainy and ingratitude of Ompteda after having so long eaten and drank at the Princess's house; or complained that he had brought suspicion on the servants. This I never said. I never talked to Sir William Gell's English servant of any of these things.

A desultory conversation here took place as to whether the counsel for her Majesty might not be allowed to put a more general question to the witness—as it was alleged, he might swear he never had these conversa-

tions with witness, although he may have held them with other persons.

Lord LIVERPOOL said a special leave was given for a special purpose, and the use of it should be watched with jealousy.

Lord ERSKINE thought the general question should be put in order that the witness might not be able to shelter himself in the manner stated by the counsel at the bar.

Lord LAUDERDALE, in referring to the answers formerly given by witness relative to the German Baron, wished him to be asked, if he had held this conversation with any one; and if with any one, whether it was relative to the conduct of the Baron?

Mr. BROUGHAM:—Ask him, if he ever held any conversation of the kind alluded to this day, and on which he has been examined, respecting the Baron with an extravagant name, and the false keys?—I never spoke of this Baron.

The witness Majochi was now ordered to withdraw.

WILLIAM CARRINGTON.

William Carrington was again called in, and his examination resumed.

I know Majochi; I spoke to him about Ompteda. He told me Ompteda had come on a visit to the Princess; and that he employed the postillion and the chamber-maid to secure the keys of her Royal Highness's room. Majochi told me that Ompteda had employed persons to steal the keys of her Royal Highness's room; and that a person who had been so employed was discharged in consequence. Majochi told me if her Royal Highness allowed him, he would kill Ompteda like a dog for what he had done. He also complained to me of the villainy and ingratitude of Ompteda, after having so long eaten and drank at the house of the Princess. He told me that Ompteda caused suspicions to be entertained of the servants. He often mentioned the name of Ompteda. I remember Sir William Gell being ill while he was with the Queen; at Strasburgh, at Brunswick, and at Naples. Her Royal Highness came to visit Sir Wm. Gell when he was in bed. At Strasburgh he was on a sofa; at Brunswick, also, on a sofa. At Naples he was in a bed on the floor.

CROSS-EXAMINATION.

Cross-examined by the ATTORNEY-GENERAL.—The conversation with Majochi took place in the court-yard at Rupinelli, when he was preparing the carriage of the Princess for her journey to Rome. Sir William Gell went in a carriage to Rome, probably in about an hour after her Royal Highness went. I travelled with my master, and remained with him while he was at Rome. I believe this occurred in July, 1817. We were a part of two days and a night on the journey. Majochi went with the family. I do not know if exactly with the Princess. The stable-keeper was present when he was speaking to me about Ompteda; but I do not know if he heard what was said. The conduct of Ompteda was the general subject of conversation; but I cannot say whether, on that occasion, he commenced with me or not. Majochi talked a good deal of Ompteda's having employed some one to get the keys of the Princess's rooms, but I cannot say if these were or were not the first words he said to me. We talked generally about Ompteda, his villainy and ingratitude, and Majochi regretted he was not allowed to kill him, which he said he would think no more than of killing a dog. I said to him that I had heard something of it, and he began to tell the whole story. He talked of this before, in the servants' hall, in the presence of ten other servants, none of the names of which do I recollect except a man called Francisco. They were all strangers to me. He said to me, "Have you heard of the affairs of Ompteda," and told me the whole story. I am not certain whether this took place in 1817 or 1818; but I think it was 1817. This was the second time I was at the Princess's house, at the Villa Grande. Sir William Gell lodged at the hotel del Europe at Ruffinelli, four miles from Rome.

Examined by the Marquis of Buckingham, Lord Lauderdale, Lord Darnley, Lord Roseberry, Lord Harrowby, Marquis Lansdowne, Lord Inniskillen, Duke of Clarence, Lord Ellenborough, Lord Galway, and several other noble lords. To all the minute and detailed particulars inquired of the witness, he gave prompt and succinct answers. He described himself as a native of

Essex, from the neighbourhood of Colchester—that he had been brought up in the merchants' service, and afterwards got his living on shore for some time—that he went on board his Majesty's ship *Poictiers*, with Sir John Beresford, and entered as a midshipman, in which capacity he served for a year, and then was discharged through the intercession of Sir John, not liking the sea. He described with minuteness the local situation of Ruffinelli. He stated that he understood something of the Italian language before he went to Italy: that the conversation he had with Majochi was in Italian, and that he understood him perfectly. Being desired to give the very words of Majochi in Italian, he repeated them as follows:—"Lui hanno detto nunc vondre che lui lasciar me fare il mio dovere che lui vorrebbe bastonare a mozzare como we came in mezzo a la Strada." The accuracy and readiness with which he repeated the words produced a great effect upon the house, and excited expressions of admiration. The Marquis di Spinetto, the Italian interpreter for the crown, was desired to repeat the testimony of the witness on this point in Italian, and then give the English. He did so, and it was nearly the same as the statement of the witness. Witness said, he had read the minutes of Majochi's evidence, and perceiving that much of it within his own knowledge was false, he called upon Mr. Vizard, the Queen's solicitor, and communicated to him the purport of his evidence of this day. He had before mentioned what Majochi had said to Hieronymus, Mr. Milburne, Mr. Craekler, and several other persons, at the Queen's house, at Hammersmith.

ELEVENTH WITNESS.

[JOHN JACOB SICARD.]

JOHN JACOB SICARD sworn and examined by Mr. BROUGHAM.—I first entered the service of the Queen, next February will be twenty-one years. I am a foreigner, but a naturalized Englishman now. Previous to going into the Princess's service, I was in the service of the Marquis of Stafford. I entered her Majesty's service as cook, by his present Majesty's orders. In the October after I first went, I was appointed to

the situation of *maitre d'hotel*. I always served her in that capacity, till her Majesty went abroad in 1814. I accompanied her Majesty to Brunswick, from thence to Italy. I recollect her Majesty having occasion for a courier at Milan. Sir W. Gell gave me orders to engage Bergami, who was recommended by the chamberlain of the Emperor of Austria. Her Royal Highness dismissed a courier soon after she left Milan. I recollect the fourth night of our arrival at Naples. The house was not sufficient, with convenience, for the accommodation of the whole of the establishment. Bergami slept that night in a small room over that of Lady E. Forbes. He slept there a night or two only. I appointed him to another room. It was a small cabinet. I did not make that arrangement by the direction of her Royal Highness. I did not consult her Royal Highness. The reason I put him there was, that there was a door which went into the garden, and I thought it was proper to place a male servant near to that door. During the twenty-one years I was in her Majesty's service, I have had many occasions to observe her conduct towards her servants of every class. It has been uncommonly kind, almost to a fault. I have walked with her Royal Highness frequently in the grounds at Blackheath. She has rested upon my arm in going up steps, or on uneven ground, and has pressed my arm when asking my opinion on different subjects (the witness by gesture, showed what he meant) in a very condescending manner. I have walked with her Majesty in this way for half an hour or more. I had the management of the masqued ball at Naples; I was dressed as a Turk in the early part of the evening.

CROSS-EXAMINATION.

In cross-examination, witness said, that her Majesty left him at Naples, and he went with the baggage to Genoa. He afterwards came to England. He saw her Majesty again at Leghorn, where he conveyed to her the intelligence respecting his late Majesty's death. He quitted her service about three months ago. He now enjoyed his salary of four hundred pounds per annum.

The witness then underwent a fur-

ther long cross-examination—in the course of which he detailed the situation of the apartments occupied by the Queen and Bergami at Naples. In this statement nothing new was elicited. With respect to the conduct of Bergami as courier, he said it was perfectly proper. He was not so chatty as the generality of Italian couriers, and always performed his duty as he was desired. When arrived at Naples, he acted as a page—he never knew him to breakfast in the same apartment with the Princess, nor did he believe that he did. He waited in the Princess's apartment, and carried in breakfast, &c. as the other pages did. When he spoke of her Royal Highness having taken his arm, it was only when going up steps, or when there was inequality in the ground—God forbid he should mean any thing else. He conveyed the intelligence of the death of the late King to her Majesty by desire of her legal advisers.—When he first was appointed *maitre d'hotel* he had only £300 a year; an additional hundred was added for acting as her Majesty's "homme d'affaire" during her absence from England. He carried a letter to Carlsruhe from the Queen to the chamberlain of the Grand Duke. When her Majesty was travelling, William Austin slept in her Majesty's room. At Naples William Austin had a room to himself, by her Majesty's desire. He hired Bergami without any communication with her Majesty. He was in the habit of hiring all the servants for the family.

In answer to a question put at the desire of Mr. BROUGHAM, witness said her Majesty had always shown a great partiality for young children.

Adjourned at half-past four.

MONDAY, October 9th.

TWELFTH WITNESS.

[DR. HENRY HOLLAND.]

Dr. HENRY HOLLAND sworn.—Examined by Mr. WILDE.—I left England as physician to the Queen in 1814. I remained with her during the whole time she was at Naples. During that period she was visited, with very few exceptions, by all the principal nobility, both English and Neapolitan. From Naples I went to Rome, and thence to Genoa, on board the *Clorinde* with the Queen. All the English at Genoa visited

her. During the period I was with her she never in any manner avoided the English. The house which she occupied at Genoa was situated half a mile distant from the town, in a part of the suburbs thickly inhabited. I never saw Bergami dine at the Queen's table. During the time I have mentioned the Queen always conducted herself towards Bergami as a mistress to a servant. Bergami's conduct towards her was always unpresuming and respectful. I never saw it otherwise. It was understood that I was not to remain with her Royal Highness longer than a year and a half, or two years. I quitted her household at Venice. It was understood I was to return as soon as I had taken a short tour to Switzerland. The nobility who visited the Queen at Genoa were Lord and Lady William Bentinck, Lord and Lady Glenbervie, Lord Malpas, and all the superior officers attached to the army.

CROSS-EXAMINATION.

Cross-examined by the SOLICITOR-GENERAL.—I never stated to any body that I had observed impropriety of conduct on the part of the Princess towards Bergami. I never did so to a minister at York. I never informed any body whatever that I did not think the conduct of the Princess correct, or any thing to that effect. I never made any observations to any body (without referring to Bergami) derogatory to the conduct of the Princess. I am so satisfied of the negative, that I think I can venture to swear to it. I am satisfied I never said to any body, that no person who had any regard for his character would continue in the Princess's service. I was very little about the Princess's person. I have practised as a physician in London during the last five years. During that period I have never been examined as to the conduct of her Royal Highness, nor have I been asked to be examined.

Examined by Lord ERSKINE.—Referring to the whole term and to all the places I was in attendance upon her Royal Highness, I never observed any thing improper in the conduct of her Royal Highness.

By Earl GREY.—I did not at any time observe any thing in the conduct of her Royal Highness calculated to

bring disgrace on this country. I can say this decidedly. No application was made to me whatsoever previous to this bill being brought before Parliament, to give any information respecting her Majesty's conduct while I was in her service.

By Lord HARROWBY.—The Countess of Oldi spoke very much the Italian spoken in Lombardy. I find it difficult to recollect whether the Countess of Oldi spoke pure Italian or not. I had but few opportunities of speaking with her.

By Lord ROSEBERRY.—Did the language spoken by the Countess of Oldi differ more from pure Italian than the English language spoken by Scotchmen of rank and education differs from fine English?—I cannot from recollection answer this question.

By the LORD-CHANCELLOR.—Bergami never dined with her Royal Highness in my presence.

By Lord CALTHORPE.—I consider, while I was in the suite of her Royal Highness, Bergami to have occupied the situation of a menial servant. During the time I was with the Princess, the manners of her Royal Highness towards all her servants was very familiar. I never saw any difference in her conduct towards Bergami from that which she manifested towards her other principal servants.

THIRTEENTH WITNESS.

(CHARLES MILLS.)

CHARLES MILLS, Esq. examined by Mr. DENMAN, answered as follows:—I generally reside in Rome. I was there in 1817, and had several opportunities of seeing the Princess of Wales, with whom I had the honour of being acquainted. She was then, by order of the Roman Government, attended by Italian personages of distinction, to officiate in her household. I saw the Baron and Baroness Aucapiani. Her Royal Highness the Princess had also a guard of honour allotted to her, and a box at the public ceremonies, like the other royal personages then residing at Rome. I also saw Lord Kilworth, the Abbe Taylor, and other personages visit her Royal Highness. Bergami was then her chamberlain, and as such he sat at the Princess's table, but I never in any place saw the slightest impropriety of conduct between them, either

at Rome or any where else. I paid my respects, at Pesaro, to the Princess, in 1819, and called at the villa near Pesaro, where I was invited to sup by the Princess. She sent her carriage, an equerry, and William Austin, for me. She desired them to shew me every thing interesting in the neighbourhood. I left the villa in the evening to go and see the fair of Sinigaglia, as it was the last day of it. I also saw the Princess when she became Queen, in February, at Rome, 1820: she had then no guard of honour, no ladies of honour, appointed as before to attend her by the Roman government. I know, however, that English persons of rank then visited her, for I saw their names in the book. Bergami was chamberlain in 1820 as well as 1819; there seemed to be no difference in her Majesty's household. I never saw any conduct of her Majesty, which appeared to me derogatory to the honour and dignity of the British empire, or to the morals of the people of this country. I never saw any improper or degrading familiarity between the Queen and Bergami.

CROSS-EXAMINATION.

Cross-examined by the ATTORNEY-GENERAL.—Bergami dined at her Majesty's table every day I dined there; he did not sit in any particular place. I have seen him in attendance upon the Queen at the *Corpus Domini*; but he stood behind her when I saw him at that ceremony. I cannot recollect the English persons of distinction who visited her Majesty at Rome besides the names I have mentioned. I saw several of the Roman nobility and the Cardinal Gonsalvi on the stairs, going up one day as I came down. The Princess's parties were in the evening, and I seldom stopped after dinner to see what company came in. Bergami dined and supped at the Princess's table when I was there. I don't know Lewis Bergami. I don't say whether he did or not.

In answer to questions from the Lord-Chancellor, the Earl of Liverpool, Lord Mansfield, Earl Grey, and Lord Ellenborough, he said, the Queen has told me she applied for passports at Rome as Queen of England, and that they were only granted as Caroline, Princess of Brunswick. I was

introduced to the Countess of Oldi. Her manners appeared to me unobtrusive and natural. She spoke good Italian, with the accent of Lombardy, but I am not sufficiently versed in the Italian language to say, whether her Lombard dialect was purely correct or not, speaking of the Italian grammatically. I came to England, not to give evidence on this trial, but on my own private business. I arrived here previous to the charge being brought, and quite unconnected with any thing belonging to it.

FOURTEENTH WITNESS.

(JOSEPH THEOLINI.)

JOSEPH THEOLINI examined by Mr. WILLIAMS.—I formerly held the rank of Colonel on the Staff of the Viceroy of Italy. I am a Chevalier of the order of the Iron Crown of Italy, and a member of the French Legion of Honour. I have a brother who held the rank of a General of Division in the French service. I knew Bergami when he served in General Pino's brigade. He was Quarter-Master in the 1st Regiment of Italian hussars at the conclusion of 1800, or beginning of 1801. He was in the brigade which my brother commanded; it was a brigade of cavalry composed of two regiments. I was aide-de-camp to my brother. The conduct of Bergami at that time was that of a non-commissioned officer, who had nothing to reproach himself with; and, in fact, it was that of a good military man. I have observed his holding intercourse with General Gallemberti. They came from the same part of Italy. The second time I met Bergami was on the frontiers of Spain in 1808 or 1809, when Marshal St. Cyr commanded a division of the French army, at that time entering the Spanish dominions. He was engaged in the household of General Pino, and also attached to a division of the Italian army. As far as I had an opportunity of observing, he was treated by General Pino with much kindness and entire confidence. I cannot affirm that he dined at General Pino's table. General Pino appeared to me to treat him, on all occasions, as a person possessing his fullest confidence. By the officers Bergami was very well liked, and considered as an honest man.

CROSS-EXAMINATION.

Cross-examined by Mr. PARK.—I never knew Bergami when he was in prison at Lodi. With General Pino he was in the situation of a courier spécial (*courier particulier*), and was entrusted with the management of the General's private affairs. He dressed in ordinary clothes, not as a courier. I have been in England about six weeks. I was never in England before. When I first arrived, I remained in London twenty days. I returned to Paris, not being able to stay longer without leave from my General of Division. I travelled through Beauvais on my return with the courier, who always takes that route. I recollect a servant of the name of Rossi: I saw him at Paris. He was alone. I had read an account of the tumult at Dover in the public papers. I did not mention anything of it to Rossi. I was applied to to come here by the Queen of England.

FIFTEENTH WITNESS.

[CARLO FORTI.]

CARLO FORTI sworn and examined by Mr. BROUGHAM, through the medium of the Marchese Spinetto.—I am a catholic. I was a courier in the service of her Majesty. I entered her service on her departure from Milan in 1817. Previous to that I was in the service of the Viceroy of Italy, as head cabinet courier. Her Royal Highness was going to Rome. I have brothers residing at Rome. I have other relations there: the Duchess of Parlogina, the great banker's wife, is my aunt. The Princess, on the journey from Milan to Rome, travelled in an English landaulet. She had two other carriages with her in that journey; one was called *boscaletta*, and the other, *carattell*. A *boscaletta* is a covered carriage, with four seats inside. The landaulet, of which I have spoken, was an English carriage. It was a carriage of a perfectly different appearance to the *boscaletta*. The landaulet had glasses, as is usual with such carriages. It had wood blinds. It had silk curtains also. These curtains were drawn down by strings, and were lifted up by springs. I remember her Royal Highness leaving Rome to go to Sinigaglia. She travelled by night. Her Royal High-

ness rested at Tricoli, where she arrived at nine in the morning. The second day she rested at Rocchi, where she arrived at eleven in the morning. She arrived at Sinigaglia on the following day at eleven o'clock. I know a person of the name of Sacchi or Sacchini who was in her Royal Highness's service. He accompanied her Royal Highness on the journey I am speaking of. He travelled from Milan to Ancona on horseback; from Ancona to Loretto; and from Loretto to Rome. He set off in the evening, a day before her Royal Highness, in the *caratella*; and I mounted myself on horseback, and accompanied the Queen into Rome. I mounted on horseback at Loretto.

Now when her Royal Highness left Rome for Sinigaglia, did Sacchi travel with her; and how did he travel?—He travelled in the *caratella*, as before; and I on horseback, with the carriage.

How long before her Royal Highness did Sacchi set out on that journey in the *caratella*?—Two hours before.

What was it his business to do on the journey which rendered it necessary that he should go two hours before her Royal Highness?—He had to order horses, and to pay for the horses.

How did you travel yourself on that same journey?—Always on horseback.

Did you accompany the carriage on horseback?—Always.

When you came near any stage, did you go before her Royal Highness's carriage?—Yes, about a mile and a half before the end of a stage.

Do you mean to say, that at this half-mile, before the end of a stage, you always rode before her Royal Highness's carriage?—I do.

Did Sacchi order horses for her Royal Highness in the way you have described, going before her in the *caratella*, during the whole of that journey from Rome to Sinigaglia?—He did; and he paid for them at the same time.

Did any other person ride as courier for her Royal Highness on that journey?—No.

If there had been any one else must you have seen him?—Certainly, because I was always there.

Did any other courier, or person on horseback, except yourself, accompany her Royal Highness on that journey?—No one except myself.

Now, who travelled with her Royal Highness in the landaulet on that occasion? There were in it, besides her Royal Highness, the Countess of Oldi, Bergami, and Victorine.

On whose lap did Victorine generally sit during this journey? Very often she was on the knees of her Royal Highness.

Did you see her (Victorine) sometimes in the morning sitting on the Countess of Oldi's knees? Sometimes I did.

Where did the Countess of Oldi sit in the carriage? In the middle.

Do you mean in the middle, between the Baron and her Royal Highness? Her Royal Highness was on the right, the Baron on the left, and the Countess in the middle.

Do you recollect whether, during any part of the journey from Milan to Rome, or from Rome to Sinigaglia, the Countess of Oldi was in one of the other carriages? At Loretto the Countess fell ill, and went to the second carriage.

Whose place did she take at that time? She took the place of Dumont.

Where did Dumont go when the Countess of Oldi took her place? She took the place of the Countess of Oldi.

Do you mean she took Oldi's place in the middle of the landaulet? I do.

Was it on the journey from Loretto to Rome, or from Rome to Sinigaglia, that this accident happened? It was on the journey from Loretto to Rome.

After leaving Rome to go to Sinigaglia, did Dumont, or any other person, except the Countess of Oldi and the Baron, ever travel in the carriage with her Royal Highness? There did not.

On that journey was the Countess of Oldi always in the carriage, and always in the middle, as far as you saw? She was.

Did you always see her in that situation, in the morning, when her Majesty arrived anywhere? Morning as well as evening, I saw her, for I was always there.

As courier to her Royal Highness, was it the practice to speak to H.R. H. or any other person in the carriage, at the time you were travelling? When they arrived at the end of a stage, and that the carriage was stopped, then I knocked against the door of the carriage, and asked whether they wanted any thing.

While travelling in this way, in what situation were the windows of the carriage at night? Had they glasses or blinds? In the front there was the glass, and, on the right and left sides, at all times during the night they put up the blinds.

Could any air, though in a small quantity, enter through the Venetian blinds? There was the air that came in by the means of the openings in the blinds.

Do you remember, about the time that the change took place of the Countess of Oldi going into the other carriage, that any accident took place? At Corino the horses ran away; this happened when we were going to Rome.

Do you recollect on that occasion any accident happening to a work-bag? No.

Did that accident happen at Corino at the time that the Countess of Oldi changed her place in the carriage?—Yes it did.

Did you ever see the Baron kiss the Princess at any time on taking leave of her, or at any other time? No: I never saw him kiss the Princess. (The witness accompanied his answer with a serious shake of the head).

Did you ever see the Baron take leave of the Princess on any occasion? Yes.

What did the Baron do on taking leave of her Royal Highness? He kissed her hand, and nothing else.

Did you yourself on taking leave of her Royal Highness, kiss her Royal Highness's hand in the same manner? I have.

Did the other members of her Royal Highness's suite do the same thing? Yes, the chamberlain; and it was done by all those gentlemen who came to visit her Royal Highness.

Were you in the practice of kissing the hand of the persons of rank whom you formerly served. I did so to the Vice-Queen, as well as to the Empress Josephine.

Cross-examined by the ATTORNEY GENERAL; I am still a courier in the service of the Queen. I attended her to this country. The last time I saw Bergami was at St. Omer's; he travelled with her Majesty to that place. I know the wife of Bergami; she lives at Milan. Bergami is called the Baron Francini. I have never seen his

wife in company of her Majesty. Bergami's wife lives in a neat house that suits a private individual. She lives in the style of a private person; she has a man servant and a maid. I was once at her house about a year ago, I carried a letter to her from her husband. Bergami was then at Pesaro. I knew Bergami's brother Lewis, and his cousins, Bernardo Valotti and Francisco Bergami Valotti. I knew his sisters—one is called Faustina Bergami, and his sister the Countess Oldi. All the relations I have mentioned were once in the service of the Princess. The Countess of Oldi was dame d'Honneur, Faustina kept the account of the linen, Lewis Bergami was equerry to her Royal Highness, Bernardo was Prefect of the Palace, Francisco was accountant. I recollect Bergami's mother. She came over to pass a few days at the Villa Ciprini; she remained two months more or less. Bergami's mother at other times lived at Milan, in a house. When she was at the Villa Caprini, she dined sometimes with her Royal Highness. Sometimes in a room by herself. Faustina always dined in her own room. Lewis Bergami sometimes dined with her Royal Highness. Sometimes he did not. Ragonati always dined at our table. I know Faustina's husband, Martini. He lives at Milan. On the journey from Milan to Rome, the Princess was accompanied by the Countess Oldi, the Baron Bergami, Mr. Hownam, the Chevalier Vassalli, Lewis Bergami, Mademoiselles Brunette and De Mont, and the little Victorine. Mr. William and the Chevalier travelled in the "caratella." In the landau, De Mont, Brunette, and Hieronymous travelled. Lewis Bergami arrived at Rome one day before us; he set out first in a caratella. When we went from Ancona to Rome, there were her Royal Highness's carriages and two more. When we went from Rome to Sinigaglia, there were three carriages beside her own. There was no other courier beside Sacchini and myself. Majocchi was on that journey, as was Regti. They travelled on the box of the boscaletta. There were two servants in her Royal Highness's service called Solyman and Polidoro. They were on the journey. Solyman was on the box of the caratella. Polydoro remained at Rome, and came a day after.—On the journey to Sinigaglia, Sacchi

set out two hours first to order horses. I will swear two hundred thousand times that I did not go first to order horses. Sacchi went in a caratella, because he was not fit to travel on horseback; for, after he had travelled a stage or two on horseback, he always laboured much, and was chafed. Before we set out for Sinigaglia, we had been two months at Rome. Sacchi had been thirteen months in her Royal Highness's service. We lived at Rome at the Hotel of Enrope. I always slept at her Royal Highness's house. I never was confined in prison while I was with her Royal Highness. I was once arrested for five days. It was when I went to fetch the money from the banker, Tolonia. I had got to Astorta, and wanted horses. The postillions would not give me any, but began to ill-treat, and revile me. I retaliated, and fought with them. Then the postillions came, seven of them, against me, with pitchforks. I drew out one of my pistols, and fired it. At that time came up a courier whom I knew a friend of mine, and he held my arm as I was pulling the trigger, and thus received the fire himself. When he heard that I was in prison he procured my release, by stating how the circumstance had occurred, and that I was in the right. One of the postillions was not killed; I only made a hole in him. The courier did not die; he was forty days ill. Rufenilli from Rome is twelve miles, and half a mile from Freseatti to Rufenilli. I mean Roman miles.

Re-examined by Mr. BROUGHAM:—Astorta, the place at which the accident happened, was the first stage from Rome. I was going to Pesaro, and had charge of 15,000 dollars for her Royal Highness. The courier whom I hurt was a friend of mine; he is still my friend, and lives at Rome.

Examined by the Peers. By Lord ERSKINE:—Did you ever observe, during the whole time that you were in her Royal Highness's service, any thing immodest or indecent in her behaviour towards Bergami or any other person?—Never: Bergami always spoke with much esteem when he spoke to her. (The interpreter added, that the word which he had translated, "esteem," meant "respect.")

By Lord ELLENBOROUGH:—Were you travelling alone when this

accident happened at Astoria?—I was travelling to meet Bergami.

Do you know why you were released from prison so soon?—The Secretary of State, who governed at Rome, knew who I was, and the gentleman in whose service the courier was learnt that it was a misfortune and accident, and exerted himself to procure my liberation.

SIXTEENTH WITNESS.

[LIEUT. JOHN FLYNN.]

LIEUT. JOHN FLYNN sworn and examined by Mr. DENMAN:—

I am a lieutenant in the Royal Navy of England. I am now settled at Sicily. I saw the Princess of Wales at Messina in the month of November, 1815. I had the command of a gunboat at that period. Her Royal Highness applied to me to proceed with her on a voyage to Constantinople, and other places. A polacca was hired for that purpose. I took the command of it during the whole voyage. I fitted up the cabins according to the order of her Royal Highness, at her expence. We took a surgeon on board at Tunis, he is now dead. When he came on board, I removed M. Bergami from the after cabin on the right-hand of the ship, looking forward to the dining room. I know the rooms occupied by her Majesty and Bergami during the whole of the voyage; it was impossible for them to see from one bed to the other. Her Majesty has sometimes called to me from her cabin, and when sleeping under the tent upon deck, to know the state of the weather. Gargiulo's situation on board was that of Captain. All the orders of her Majesty were given to me, and by me to Gargiulo. Gargiulo's duty did not call him to attend about her Royal Highness's person: it was his duty to attend to the men. The steersman's situation on deck was within three or four feet of the tent to which I have alluded. On our return from Jaffa I slept on deck, about five feet from the helm. From the place the steersman occupied, speaking generally, I conceive he could have heard any conversation which passed in the tent. I have never heard conversations passing under the tent from where I slept. There was a passage alongside the tent. I and others of the crew were in the habit of passing along that passage at night.

It was the duty of the mate to take the light from the seat, lest the intention of pirates, who were known to exist in the Archipelago, should discover the ship. There was a communication from the tent to below. I remember a tub in which her Royal Highness bathed. It was too large to be placed in the cabin in which her Royal Highness slept. On the return from Jaffa, I don't know where Bergami slept. On going out, he slept in the dining room. There was a gun upon the deck. I never saw her Royal Highness sitting on that gun, or with her arms round the neck of any person.

During the whole voyage I never saw the slightest indecency or impropriety on the part of Bergami towards her Royal Highness. I saw Bergami quitting the ship to go to Terracina; on departing he kissed her Majesty's hand, which was common for all the persons in her establishment.

The witness then underwent a long and rigid cross-examination by the Solicitor General, during which, from a confusion of intellect, arising from the novelty of his situation, he was led into some apparent inconsistencies. At half-past four the house adjourned till to-morrow.

TUESDAY, October 16.

Rumours were industriously circulated below the bar this morning, that Lord Melville, by his enquiries at the Admiralty, had been able to make discoveries highly discreditable to the veracity of the witness Carrington, who gave such decided testimony as to the gross perjury of Majocchi on Saturday last, on the subject of his knowledge of the Baron Ompteda. At length,

Lord MELVILLE rose, and said, that circumstances had come to his knowledge respecting the evidence of one of the witnesses examined yesterday (Wm. Carrington), who had stated himself to have been a midshipman in the royal navy. It would be desirable, he apprehended, to put some further questions to that witness; but when that was done, he thought that the counsel on both sides should be present at the bar, that they might have the opportunity of hearing and commenting on what might pass. In the meantime, he wished that the counsel on both sides should be made aware of the intention of calling the witness to-morrow.

Several Peers cried "To-day! To-day!" and the witness was ordered to be in attendance.

LIEUT. JOHN FLYNN.

The cross-examination of this witness was resumed, and continued over a period of four hours. He again manifested a great confusion of ideas, evidently arising from the perplexing questions which were put to him. His agitation, at one period, proceeded so far that he fainted, which occasioned considerable sensation. His explanations went to confirm his original evidence, that Bergami, to his knowledge, did not sleep under the tent with her Majesty, upon the deck of the polacca, as well as the fact of its being impossible to get the bathing tub into her Majesty's cabin.

W. CARRINGTON.

This witness, alluded to by Lord Melville, was then called to the bar, and the whole house seemed prepared to view his examination with the most intense attention. As his testimony in chief was so momentous, and the establishment of his character, as opposed to Majochi, equally important, we shall give his examination at length :

Examined by Lord MELVILLE.—You stated, in your examination in chief, that, before you were in the service of Sir Wm. Gell, you served in his Majesty's navy as a midshipman? Yes, with Sir John Beresford.

You also stated that you had not been in his Majesty's service previously to serving in the Poictiers: is that true? I understood the question as relating to my being at sea with Sir John Beresford. I certainly had been in other ships before.

You were also asked in what situation you were before you went on board the Poictiers, and you answered that you were at sea when a boy in a merchant vessel; that you were afterwards on land, and got your livelihood in the best way you could. Is that correct? Yes, it is.

The next question asked was as follows: "You were never in his Majesty's service previously to serving in the Poictiers? No." What did you mean by that?—I understood the question to relate to my being with Sir John Beresford: my answer alluded to him.

Then upon the two questions as to

whether you were in his Majesty's service previously to your being rated on the Poictiers, and upon your answering No, I am to understand that that answer would not be correct as the question is now asked? I certainly have served with other captains.

In what situation did you serve his Majesty previously to your being in the Poictiers? I was quarter-master on board the Majestic before I was in the Poictiers.

Had you been in any other ship before you were in the Majestic? Yes, I had been in the *Namur* (we think) along with the same captain who commanded the Majestic.

Were you on board of any other ship? Yes, I was two months on board of a brig, whose name I do not recollect just at present. I do not know whether I was on the books of that ship or not: I received, however, pay.

Did you ever serve on board of any other ships? Never.

Were you a volunteer, or pressed? I was pressed.

Did you serve as a midshipman on board any other ship than the Poictiers? Never. On board the Majestic I served as quarter-master or gunner's mate.

You have said that you were at sea in a merchant vessel when a boy; that you were afterwards on land, and got your livelihood as you could. Now how long were you on land? I was born and brought up on the sea-coast; sometimes I was on land; sometimes I was engaged in fishing and in boats: sometimes I was in merchant vessels or coasters.

In what service were you when you were impressed?—I was, when I was impressed, in a boat belonging to a merchantman.

How long were you in the merchant service?—I don't exactly recollect. From the time I was a boy I had always been employed in some way or other about them. When I was not engaged in them, I got my living on land as well as I could.

I ask you how you reconcile your statement of being upon land for some time with your being impressed from the merchant service?—When I was living upon land I engaged in fishing and pilotage; at other times I was in the merchant service.

When you were asked what was your reason for leaving the navy, you

replied, in one case, you did not like the sea, and that Sir J. Beresford had obtained your discharge; and yet, in another, when you were asked the same question you said that you did not leave it for any other reason than your own request. How do you reconcile these two statements?—I had often been promised a lieutenant's warrant, in consequence of my services, but had never got it; besides, I did not wish to become an officer on the quarter-deck, as I had not friends or money to support the rank of an officer, I therefore wished, as the sea was disagreeable, to have my discharge.

Was it at your own request, then, that you were discharged?—It was.

It was not at the request of Sir W. Gell, was it?—I beg leave to explain the manner in which I became acquainted with W. Gell. I saw Sir W. Gell when he was a passenger on board the *Poictiers* to Lisbon, and also when he was upon his passage back. I met him one day upon the poop, when he asked me several questions, to which I gave the best answers I could. Many other things also he asked me to do for him in his cabin, which I did; as at that time he had no servant. When we came near land, he expressed his obligations to me, and said, "I can't give you money at present; but if there is any thing I can do for you with Sir John Beresford, I shall be very happy to do it." I told him I wanted my discharge, and that I should be very glad if he could enable me to get it. He then said that he would do his best to obtain it for me. I then explained to him the situation in which I stood. I told him that I expected to have a lieutenant's warrant, but that I was not able to appear as a gentleman on the quarter-deck. He desired me to consider well before I determined, and said that he would speak to me on the subject next day. On the following morning he asked me if I was still of the same mind; and I said that I would rather leave the navy. He accordingly mentioned the subject to Sir J. Beresford, who said that he would certainly get my discharge, and that there would be no difficulty in doing it. I heard nothing farther of it till I came to Portsmouth, and then Lieutenant Alsop, the commanding officer of the ship at that time, came to me, and said that he had heard that I was wishing to start from the navy. He asked me

what was the meaning of it, and said that I was mad to leave the service, now that I had got what I wanted. I replied that I had obtained the object of my wishes; but that I could not support the expense of an officer's rank on the quarter-deck, and that I would rather be discharged than remain a midshipman. He again said I was mad to leave the navy. Sir W. Gell and Sir John Beresford met me in London (as we understood the witness), and thought there was something mysterious in the affair; they wished to prevent me, if possible; and Sir John said he would send a man down to me. Captain Jones came, and gave me leave of absence; and I was told to go to London to Sir John Beresford, and receive my orders. I went accordingly, and was asked by him if I was still of the same mind as to leaving the navy. I said yes. He then directed me to go down to the *Thïsbe*; and a letter was sent to the commanding officer of that ship, but whether by the post or by me I do not know. I went to the *Thïsbe*; and when I came on board they said there were no papers for me, and that they knew nothing of my name. I wrote to Sir John Beresford, stating this; and he desired me to remain where I was, and said that if they troubled me I was to let him know, and he would give them an answer. He gave me a certificate under his own hand. I remained two years with Sir W. Gell; and at the end of that time I met with Sir John Beresford, and told him that I had not received my pay. Sir John said he would give me a letter to a gentleman, in Somerset-house, from whom I would receive my pay, which I did, on presenting the letter.

Do you adhere to your former answers, after having given this explanation?—Yes, certainly.

Did Sir Wm. Gell ask for your discharge?—He said he would do any thing for me that I wished to be done, if it was in his power; and I told him that was the thing that I wanted.

Are you acquainted with Sir Wm. Gell's hand-writing?—I think I do know his writing.

Have you ever seen his writing?—Yes.

And you think you know it?—I think I do.

(A paper was then handed to the witness by Lord Melville.)

Is this his writing?—I believe it is his hand-writing, but I am not certain.

Examined by Mr. BROUGHAM. Did you ever, on the journey of her Majesty to Naples, make any beds?—I assisted in making them.

Did you ever make Wm. Austin's bed?—I assisted to make a bed for W. Austin.

Was that bed made for Wm. Austin in her Royal Highness's bed-room, or in another apartment?—Sometimes, when there was room, it was made in her Royal Highness's bed-room, and, when not, in other places.

Cross-examined by the ATTORNEY-GENERAL. Did you make Wm. Austin's bed out of her Royal Highness's room more than once?—More than once or twice; but I cannot recollect how often.

Do you recollect any of the places where you made Wm. Austin's bed in a separate room from that of her Royal Highness?—At Domo d'Oscilla, as far as I can recollect.

SEVENTEENTH WITNESS.

[LIEUT. JOHN ROBERT HOWNAM.]

I am a lieutenant in his Majesty's Royal Navy; I have been a lieutenant since the early part of the year 1809. I am settled at present at Rouen, in France. I joined the party of her Royal Highness the Princess of Wales in the month of April, 1815, at Genoa. After I had joined her, she remained at Genoa about six weeks. While at Genoa, I recollect being alarmed. It was supposed the house had been broken open; I got up, and went into the great hall. The first person I saw was Bergami, who came into my room; he had a candle and a sword in his hands. My room opened into the hall. In the hall, when I got there. I found the Princess and many of the servants. While at Genoa, I have seen the Princess at breakfast. At the time I so saw her, Bergami was not breakfasting with her; I never saw him breakfast with her. I was in the habit of dining with her Royal Highness. Bergami never dined with her Royal Highness at Genoa. I do not recollect the place where Bergami dined with the Princess first: it was on a journey over St. Gothard. This was in 1815. Bergami did not continue to dine regularly with the Princess at that time, but some time after. When

he began to dine regularly with the Princess, she was at the Villa D'Este. Her Royal Highness went to Milan. I remember her Royal Highness residing at the Casa Borromeo. I remember a staircase in that house, at the top of which her Royal Highness slept: it was not a secret staircase, but led up to other sleeping rooms. It was the staircase I was in the habit of using when I went to my room. After we left Milan, we went to Venice upon a little tour. Her Royal Highness first took up her residence at the Villa D'Este, at the latter end of September. I remember where her R. H. slept, but I cannot say where Bergami slept. There were some stairs, near her Royal Highness's sleeping room. I cannot say that there was a door at the top of those stairs. I accompanied her Royal Highness during the whole of the long voyage. At Tunis, Bergami slept in a room at a distance from the room of the Princess. Bergami's room was the only room up a flight of stairs, and it was not on the same story with the Princess's room. I remember at Tunis taking a short journey to Utica. We slept at Utica in the polacca of the young prince; it was called Sahella. I was on board the polacca during the voyage. The births prepared for the captain and his crew were quite separated from the part of the vessel set apart for the Princess and her suite by a bulk-head. The captain had no business to perform in that part of the vessel which the Princess occupied. I never saw the captain in that part of the vessel. There were two water closets: one, from the cabin of the Countess of Oldi and another from the cabin of the Princess. I recollect our landing at or near Ephesus. We slept that night on the plains of Ephesus, under a shed, which was open. The Princess's suite slept all round her; I slept amongst the rest of the suite. We dined in the church-yard next the coffee-house, under a portico. We all dined together. I most perfectly recollect we sat on the ground; the Princess sat on her travelling bed. We afterwards embarked at Scala Nova, and sailed to St. Jean D'Acre. Before that we were at Constantinople for fourteen days. The Princess lodged at the house of the British minister, Mr. Frere. From St. Jean D'Acre to Jerusalem her Majesty travelled on an

ass. I travelled on a horse: We travelled by night and rested by day. The princess rested under a tent. Her royal highness before she lay by for the day appeared excessively fatigued. This appeared the case on the whole journey. I have seen her fall from the ass more than once with fatigue. During our voyage to St. Jean D'Acre there was a tent on deck to protect the princess from the sun and wind. In fact, it was the awning of the ship. We embarked at Jaffa. The weather was excessively hot. We had asses and horses on board. They were kept in the hold, and made a great noise. There was also an offensive smell. On the voyage home from Jaffa her majesty slept on the deck under the tent. The tent was put up by direction of the princess, and remained permanently on the deck to the end of the voyage. The princess said she did not care about the tent when I represented that it retarded the sailing of the vessel. Her royal highness slept on the deck in consequence of the excessive heat. I remember the lights in the tent being put out earlier than usual in consequence of apprehension of pirates. I recommended it. There were four sofas on board the polacca: two were locked together in the princess's cabin, and two in the countess of Oldi's cabin. The countess afterwards sent one out of her cabin. It was occasionally on deck during the first part of the voyage, and always after we reached Jaffa. It was beneath the tent. Besides the sofa there was an English travelling bed beneath the tent. There was a ladder which led from the tent down into the dining-room.—Adjourned.

WEDNESDAY, October 11.

Examination of lieutenant Hownam continued by Mr. Tyndall.—The communication between the tent and the dining-room was always open; the ladder always stood there. The tent of which I am speaking was the awning of the ship. It was single. The tent might be opened from the outside. It was closed as all tents are, by parts of the canvas being drawn together. The tent came close aft to the main mast, and was within four or five feet of the steersman. The watch, one half of the vessel's crew, were up by night. There was a passage on one side of the tent. The duty of the crew carried them from one end of the ship to the other. I have

stated there was a sofa and a travelling bed under the tent. During the night I think her royal highness reposed on the sofa. I do not know who reposed on the travelling bed; I have never been under the tent at night. I do not know, because I have not seen it, that her majesty reposed alone under the tent. I have never seen her majesty reposing during the day on the journey from St. Jean D'Acre, to Jaffa, and cannot say whether she was dressed or undressed; I do not believe she was ever undressed during that journey. I have not seen any bed clothes on the sofa under the tent. Whilst her royal highness was under the tent on board the ship, I never saw any bed clothes on the sofa. I recollect an accident happening one night by a sea breaking into the tent; a sea broke over part of the vessel, and her royal highness came down below to sleep. The accident was of that nature to call me up. I saw her royal highness the moment of her coming down; on that occasion she was dressed. I saw persons banding her down; I think it was Bergami and Mr. Flynn; Bergami, at that time was dressed. I recollect her royal highness having taken baths on the voyage home; the bath was a common bathing tub, made at Augusta by my direction. I do not think it possible this bath could have been put into her royal highness's cabin, when her royal highness's bed was there. I never saw her royal highness sitting on a gun on board with Bergami; I never saw her sitting on a bench with her arms round him, or his arms round her. I never saw them kissing each other. I never saw any impropriety or indecency from one towards the other on board. In point of fact, I was generally on deck during the day. I recollect Bergami dressing himself up in a particular way with pillows on board. It was in derision of the English consul at Jaffa, who came on board with a gold laced hat and a gold laced cane; he was a pompous character. I recollect a man of the name of Mahomet; I remember a dance performed by him. This originated in a quarrel between Mahomet and the doctor: he was sick on board, and the Doctor wanted to give him physic; he afterwards ridiculed the Doctor by this dance. I had no notion of any thing indecent in this dance, more than the Spanish bolero. I have seen him perform the same dance pre-

cisely on shore. At Farracina, Bergami, Majocchi, and another went on shore. If we had gone into port, we should, in all probability, have been obliged to perform quarantine. The reason these persons were landed, was to obtain permission to go on shore, in consequence of her royal highness having been so long on board. Her royal highness was very much fatigued. At the time these persons put off from the ship, her royal highness and every body was on deck. These persons took leave of her royal highness by kissing the hand of her royal highness, in a respectful manner. Bergami certainly did not kiss her royal highness's face on that occasion. After the long voyage, as it is called, her royal highness went back to the Villa D'Este. After staying a short time at the Villa D'Este, she went to the Barona, a small country house fitted up for the purpose; it was not a house in which any large fete could be given. There was no entertainment given at the Barona, save one given by the household to the farmers' daughters; I have seen wives as well as unmarried daughters there. They were persons who resided in the neighbourhood. The clergyman of the place was frequently there, visiting her royal highness; but whether at the dance I cannot say. During the dances, her royal highness was not constantly in the dining room, but chiefly remained in an adjoining room, and came in occasionally. I always partook of the dances. Her royal highness chiefly retired before the dances finished. During the dances, I did not perceive any thing indecent or indecorous in the parties there. I remember the river near the Villa D'Este. It was a sort of torrent rather than a river. It was sometimes with little water in it; when it ran it ran with great rapidity. I should think it was not a place in which people could chuse to bathe. I recollect accompanying her royal highness upon a tour into Germany, about March, 1817. I recollect being at Carlsruhe. A chamberlain was appointed to attend her on that occasion. The grand chamberlain received her when she got out of her carriage. Her royal highness passed the greater part of her time at court, or in visiting the family of the grand duke. She usually dined at the court, or at the margravine's, the grand duke's mother. She mostly supped out at

the grand duke's, and I think once at the margravine's. There were always parties assembled to meet her royal highness, except the first day, at dinner at the margravine's. I remember being stopped on the barrier town between Austria and the Tyrol, on our way from Carlsruhe. We were on sledges, in consequence of the snow. The carriages were behind, and the man at the barrier would not take our word that it was the princess of Wales. Bergami and Vassali in consequence went back to Inspruck for the passports. He did not return till two in the morning. This was on our way to Vienna. I remember our arrival at Trieste; the governor was sick in bed; the vice governor came to receive her royal highness at the inn. That evening her royal highness went to the Opera. We left Trieste the following day, at five or six o'clock in the evening. I positively recollect this; I have a particular reason for recollecting this fact. I have a letter that I wrote at that time from Venice; it is a letter to a lady whom I have since married. I have that letter; it has the Venice post mark upon it. There is a passage in that letter which leads me to the conclusion that we left Trieste at the time I have mentioned; it is dated the 18th, at Venice, and says, "We arrived here last night." We arrived at Trieste on the 14th; it is a journey of 24 hours post from Trieste to Venice. On the night of leaving Trieste, we stopped a short time at a small village, in consequence of something having happened to one of the carriages. It was bad weather. I do not recollect the name of that village; it was after descending a high hill. I remember a gentleman of the name of Baron Ompteda; he was constantly in the habit of visiting at her royal highness's house. He visited her at Naples and Genoa; he dined at Genoa. At that time Theodore Majocchi was with her royal highness. It was his duty to wait at dinner. I saw the Baron Ompteda again at Milan, and at Como also; he was visiting at her royal highness's. I remember his coming to the Villa Villani. Sometimes he stopped a night; once for two days I think. There was a room in the house called the Baron Ompteda's room: he always occupied the room appointed for him. At the time I have last mentioned, Theodore Majocchi was still a servant in the

house. I have myself conversed with Majocchi at Rome, some time after Ompteda had been at Como, respecting Ompteda. In the course of the conversation I mentioned Ompteda's name. In the course of our travels we were very frequently shown into rooms of entertainment where beds were standing. There was nothing at all uncommon in this. I recollect her royal highness giving me some directions respecting Ompteda. In consequence of a representation from her royal highness, I called out the Baron Ompteda. At Rome, in consequence of a further representation from her royal highness, I told the servants of the house not to molest or take any notice of Baron Ompteda, if they should meet him. I recollect her royal highness frequently visiting the servants when ill in bed; particularly a man named Camera, who was very ill indeed, and supposed to have the plague. This was at Jerusalem. Her royal highness was received at the different courts she visited by persons of the first distinction, except at the court of Vienna. Lord Stewart was ambassador at Vienna. The conduct and demeanour of the princess upon those occasions was every thing that was majesty and grace. I remember her royal highness travelling from Ancona to Rome. I can't say positively who was courier on that occasion. I believe it was Carlo Forti. I remember a subsequent journey from Rome to Senigaglia. Her royal highness travelled on that occasion in an English landaulet. I travelled in an English landau. Count Schiavini, De Mont, and her sister, accompanied me. I remember on the journey from Rome to Senigaglia, the countess of Oldi, who rode with the princess, being taken ill. She came to my carriage, and De Mont took her place. We went back from Senigaglia to Rome. This was the only journey we took to Senigaglia. On our journey from Rome the horses in her royal highness's carriage took fright. I have formed part of her royal highness's suite since April, 1815, and was actually living with her royal highness till April, 1818. During the whole of that time I have never seen any thing in the conduct of the princess towards Bergami, or in Bergami towards the princess, improper, indecent, or degrading to her royal highness's station. While I was

with her royal highness I had a salary of 200*l.* a year: that salary is continued to the present time.

Cross-examined by the ATTORNEY-GENERAL. I have been a lieutenant in the Navy since 1809; I was six years in the Navy before that time. My father was in the service of the Princess; he was her page. He was always in the service of his present Majesty, that of the Princess Charlotte, or of the Princess. Her Royal Highness interested herself in my promotion. Through her good offices I was promoted to the rank of lieutenant. I do not know in what capacity exactly I joined the princess's suite at Genoa. I was receiving the salary of an equerry, I understood. We were six weeks at Genoa before we quitted it for Milan. Bergami was a courier at that time, and wore the dress of a courier. It was ten or twelve days after our arrival at Milan when her royal highness was left without an English lady of honour. The countess of Oldi joined the princess in one or two days after. Faustina came to Genoa with the child Victorine. Bergami's mother also came there. Louis Bergami was likewise in the family. He was at Genoa before I went. He was a page and wore a sort of uniform. In the tour to St. Gothard, Bergami was dressed in a courier's dress, but rode in a carriage with Hieronymus. In the course of that tour he dined with her royal highness at Bellinzona. Professor Mochetti also accompanied her royal highness, and a man who lived in the mountains dined with them. On the return he dined with her royal highness at Lugano; he was then in a courier's dress. He dined on other occasions with her royal highness in the same dress. At the Villa D'Este I have frequently seen her royal highness and Bergami together, on shore, as well as in a small canoe on the lake. At that time I have seen them walk arm in arm. I have stated that during the whole course of the time I have been with her royal highness I saw nothing improper, indecent, or degrading to her situation, in her conduct towards Bergami. I have seen her royal highness dining with Bergami in a courier's dress. I afterwards, at the Villa D'Este, saw them walking arm in arm. I also saw them go out in a boat alone together. I do not consider those things degrading to her royal highness. I never entreated her

royal highness not to admit Bergami to her table. I never stated that, "With tears in my eyes, and on my knees, I entreated her royal highness not to admit Bergami to her table, without effect." I have no recollection of the fact. I never did. I do not recollect having stated so to captain Briggs. I do not believe I did. After sir Wm. Burrell left, her royal highness was frequently in the habit of amusing herself with the servants. I have seen her play at the game of blindman's buff. I was the only English person in her royal highness's service when Bergami began to dine with her. I do not recollect her royal highness performing the part of Columbine at the Villa D'Este. Louis Bergami performed there, and all her royal highness's household. I do not recollect a dance, there were 250 persons. I think her royal highness performed the part of an automaton. It represented something respecting a man who wished to sell an automaton, which was a woman, in fact, that could wind up any thing (great laughter). The princess was the automaton. I do not recollect her performing the part of a milkmaid. Before Bergami went on the long voyage, he was not raised to the rank of haren, he was raised to that rank before leaving Sicily. I do not know where Bergami slept on the return voyage from Jaffa. I heard that Bergami slept under the tent with the princess, and I believe he did. I do not think, knowing that fact, that it was degrading to the princess—I think it was necessary that some person should sleep near her royal highness on that occasion. I heard that other persons did so also. I might have seen her royal highness and Bergami walk arm in arm on the deck—her royal highness could not walk the deck without having the arm of somebody. Bergami's mother dined constantly at her royal highness's table at Pesaro, as did Louis Bergami.

Re-examined by Mr. TINDALL. I considered it absolutely necessary that some person should sleep under the tent on board the polacca with her royal highness. We did not know any thing of the crew. The amusements among the household at the Villa D'Este, at which her royal highness was present, were among the upper servants; the footmen were not present. There was an English sailor on

board named James Adams. I have not seen him since.

By Earl GREY. When you stated that you thought it necessary that some person should sleep with her royal highness, did you mean to state that you thought it necessary that some male attendant should sleep near her royal highness?—I did.

Under the circumstances under which you believe Bergami to have slept under the tent, did it convey to your mind any suspicion of an improper connexion between him and the princess?—No, it did not.

By the Earl of LIMERICK. You have stated that several other persons besides Bergami slept in the tent on board the polacca. ("No, no," from several peers.)

On the occasions when you state that you believe Bergami slept in the tent, had you reason to think that any third person, male or female, slept in the tent?—I do not know.

Can you swear that you never saw Bergami kiss the princess?—I will swear that I never saw him kiss the princess.

I understood you to say, on a late part of your cross-examination, that you thought it necessary that a person should sleep under the tent with the princess: I beg to ask from what you conceive that necessity to arise? I never represented the necessity myself; but, on the occasion of speaking of it, I must confess I thought it necessary for somebody to be near her royal highness. A woman alone on a ship's deck at sea I should think perfectly authorized in having some person near her.

Were any suspicions entertained by you of the crew, or any part of it? None.

Then it was not from any apprehension of the crew that you conceived it necessary that a man should sleep in the same tent in the dark with the Princess of Wales? When I saw it I looked upon it in that way.

In what way? That it was not improper that he should sleep there, the princess being on deck by herself.

Then you do not conceive there is any impropriety in a male person sleeping in the same tent with a female, the light being out? From the manner, the hatches being open, and all the doors below, I do not. There was no mystery in it whatever.

I beg to ask you whether you would

like your wife—(No, no, and some laughter.)—would you have any objection, or conceive it improper that Mrs. Hownam should so sleep in a tent with a male person? Every man, I trust, looks at his wife without making any comparison or exception. I never made any comparison.

Then you cannot form any opinion upon it? I cannot.

I beg to know whether you see any impropriety, situated as the tent was, with the hatches open, in a male and female so sleeping? I do not conceive there was any impropriety, because if there had been I must have felt it. I have seen the princess in so many situations during her travels, that I do not look upon it as improper.

What do you mean by saying that you have seen the princess in so many situations during her travels? I have seen her under a sorry shed at Ephesus, under which we should hardly put a cow in this country, in the midst of horses, mules, and Turks; it did not strike me as improper.

You said that the princess played the part of an automaton? Yes.

You say that the automaton was sold, and consequently bought. What did the automaton do: was she sitting, lying, running, or what? In a box, standing up, I think.

Do you think that these acts stated by you are consonant with the high dignity of the royal personage about whom we have been speaking? I do not think them any degradation from her royal highness's rank, knowing the pleasure she takes in that sort of entertainment.

Four o'clock having arrived, the Lord Chancellor adjourned the house amid considerable confusion.

THURSDAY, October 12.

Lieutenant John Robert Hownam's examination by the Peers, continued.

By Lord CARNARVON. After I joined her royal highness she never was at Trieste but once.

By Lord KINGSTON. I do not know the reason for Bergami being selected to sleep under the tent with the princess in preference to myself. It is not customary for a sentinel to sleep on his watch.

By Lord DARNLEY. On other occasions than that on board the polacca, when Bergami slept near her royal

highness, there was no mystery whatever. I must here confess that in the conduct of Bergami, as servant to her royal highness, that he was excessively attentive to his duty; he was from his fidelity more likely to be selected to guard her royal highness than any other servant. No suspicion was ever entertained in consequence of the circumstances I have mentioned. I am well acquainted with Lieut. Flynn. I believe him to be a perfect man of honour.

By Lord DE DUNSTANVILLE. When Lieut. Flynn slept on deck, I think her royal highness was sufficiently protected; but his being there was not constant. If he had slept there the whole of the voyage from Jaffa to Syracuse, there might still have been many reasons for a person sleeping in the tent—an accident in the tent—the sea breaking over the tent—or other occurrences.

By Earl GROSVENOR.—From the circumstances preceding my calling out Baron Ompteda,—the attack on the house,—and other things, her royal highness mentioned to me that she had apprehensions of her personal safety; and in consequence of those apprehensions, she expressed to me a wish to be more closely attended by the male part of her attendants. She desired to have some person always near her, but I cannot state the precise words.

By Lord COMBERMERE.—If the reasons for a person being in the tent with her royal highness were such as I have stated, namely, an accident, or a sea breaking over the tent, I think a seafaring man, such as myself or Captain Flynn, might have been better to have been under the tent with her royal highness than Bergami.

By the Marquis of DOWNSHIRE. The quarrel between me and the baron Ompteda arose from the confessions of a servant. I saw the servant on his knees, begging pardon for his crime. The servant was kneeling before the princess. His name was Maurice Credi.

Lord LAUDERDALE objected to this answer as irregular. The confession of a servant could not be evidence.

Earl GREY contended, that all the witness had stated was, that there was a servant on his knees, and that the name of that servant was Maurice

Credi. There was no mention of any circumstance which came out in that confession. It was a simple fact, and ought to remain in the minutes.

After some conversation between Lord Holland, the Lord Chancellor, the Marquis of Buckinghamshire, and Earl Carnarvon, the answer was permitted to stand.

Examination continued. Maurice Credi was the servant of her royal highness.

Was it in consequence of what Maurice Credi said, that you called out the Baron Ompteda?

The LORD CHANCELLOR thought this question ought not to be put.

The Marquis of DOWNSHIRE thought he was at liberty to put the question.

The Earl of LIVERPOOL considered that as they were bound by the rules of law they ought to abide by those rules, and not at this season of the enquiry to abandon them.

Earl GREY was of the same opinion, and the question was not pressed.

Examination renewed. I do not know where Maurice Credi lives but from hearsay. I have heard that he is in England, I do not know with whom. Majocchi never mentioned Ompteda's name to me that I recollect.

By Lord FALMOUTH.—When I saw her royal highness walking arm in arm with Bergami at the Villa d'Este, I do not recollect that they were alone. I do not recollect seeing her royal highness walking arm in arm with Bergami while he was a courier.

By Lord HOOD.—Bergami dined at the princess's table at Milan, Como, and the Villa Villani. Majocchi waited at table on these occasions.

By the Duke of ATHOL.—I never expressed to her royal highness herself that it was necessary for her male attendants to sleep near her. I thought it was necessary a person should sleep near her royal highness. Her royal highness thought so likewise. I do not know that there was any immediate danger to be apprehended on board the polacca. If I thought there was any personal danger, I should not have slept below myself. I never recommended that any person should sleep under the tent. I knew of no immediate personal danger to be apprehended on board the polacca. I never recommended that any person should sleep under the tent.

Examined by Lord GRANTHAM.—I dined with the princess at Carlsruhe, when she dined with the Grand Duke and the Margravine his mother. Between the dinner parties and supper parties the princess might have returned home. I do not recollect that she did.

Examined by Lord DARLINGTON.—When Bergami, Camera, and Majocchi, took leave of the princess when they were going on shore at Taracina, I do not know that Bergami had previously taken leave of the princess. Every body was on deck. I do not know that the princess had been below. I have never seen Bergami take leave of the princess in a way different from the rest of her suite. I never saw him do more than kiss her hand. Her royal highness always reposed under the tent in her clothes. I do not think she took her clothes off the whole of the voyage from Jaffa, except to change them, and this was done in her cabin below in the day time. This is my firm belief. I do not think that Bergami ever took his clothes off while sleeping under the tent. I have seen Mahomet dance at the Villa D'Este. I was in her royal highness's room, and heard a noise in the court-yard. Her majesty went to the window, and I followed her, and we saw Mahomet exhibiting his dance before many persons. I did not take notice whether Majocchi was there. Most certainly I did not conceive there was any indecency or impropriety in that dance. Saw Captain Briggs at Portsmouth about two months ago. He declined holding any conversation on this subject.

By Lord ELLENBOROUGH.—My reason for wishing to converse with captain Briggs was, that I had heard he was to be a witness against the queen. I did not believe it, and went to inform myself. He said he thought he might be called; but that his testimony should be nothing but what was honourable and just. I met him again in this house. We shook hands, and he said, when he came out, he hoped we should shake hands again. I recollect seeing her royal highness under the tent in the polacca, in the day time. She was asleep, and I closed the tent to protect her from the sun. I can positively say I never recollect to have seen any other person under the tent when it was so closed. I have a thorough conviction that the hatch, communicating between the tent and the

dining room, was open day and night. To have closed the hatchway the tent must have been removed. I never saw the hatches under the tent. Maurice Credi continued in the princess's service after I saw him on his knees, from the beginning of Nov. till the March following. He then went to live with the princess's aunt as a courier. I never saw the tent on deck quite closed in the day time.

Examined by Earl GREY.—I never saw the tent so closed in the day time, that a person on deck could not have seen who was in it.

By Lord MANSFIELD.—I wrote my own challenge to Baron Ompteda in my own hand writing. It was in English.

By Lord GROSVENOR.—Her royal highness expressed great impatience to get on shore on the voyage from Syracuse, as her legs were very much swelled in consequence of her not having been in bed during the voyage. I never saw her royal highness's legs. Her royal highness told me they were swelled.

By Lord LAUDERDALE.—Both Bergami and Louis Bergami, have waited at table when I dined with the princess. I afterwards saw Bergami, Louis Bergami, the Countess of Oldi his sister, and his mother, at her royal highness's table. I never saw Bergami's wife in my life. I had no greater claims to sit at her royal highness's table than Bergami. I have seen persons sitting at her royal highness's table whose fathers have waited at her table, and knowing the affable way she treated every person in her family, I will venture to say, that I never saw any conduct in her royal highness that was at all improper or indecorous, nor did I conceive that the fact of Bergami's being under the tent on board the polacca, could be construed into anything criminal. If her majesty did a person of inferior rank the honour to command him to sit down with her, I think a person of higher rank than a lieutenant would not degrade himself by dining with such a person.

By the Duke of CLARENCE.—I and Lieut. Glynn were the only persons in her majesty's service who understood the service. I never offered to sleep in the tent to assist her royal highness. The English sailor was discharged because he had a quarrel with

the cook. That was the only reason I ever heard for his discharge.

By Lord CALTHORPE.—I never heard of spies being employed to watch her royal highness except from the confessions of Credi. The courier's dress worn by Bergami was green and gold turned up with scarlet. It was a very rich dress.

By a PEER.—When Bergami dined with her royal highness in his courier's dress, he sat near her royal highness.

By the LORD CHANCELLOR.—I had a Genoese servant named Francisco. I last saw him at Mr. Vizard's. Witness withdrew.

EIGHTEENTH WITNESS.

GRANVILLE SHARPE, Esq. sworn and examined.—I am in the East India service. In the army. I have seen the Moorish dance, there called "dimar! dimar!" It was accompanied by different unmeaning sounds. There was certainly nothing indecent in that dance, or unfit for a woman to witness. The hands were thrown about in various positions, principally about the head. The knees are bent together, and the dancer curtsies. I have seen this at Calcutta, in the government house. The governor at that time was the Marquis of Hastings. He and the Marchioness were present at the time, and other ladies. The bishop of Calcutta (loud laughter) and his lady were likewise present. There certainly was nothing indecent in it.

Cross examined by Mr. PARKE.—Other dances were danced in the East Indies, some of them quicker. One person only dances the dance I have spoken of. I believe there are no other dances there at which the ladies may not be present.

NINETEENTH WITNESS.

SANTENO LUIGIANI sworn and examined. I have been in the service of her royal highness as factor. My duties were to keep the watch over the working people—to keep the accounts—to pay them on a Saturday night—to distribute the wine, and do all other things in the house which the master commanded me. This was at the Villa D'Este, in the gardens, vineyards, &c. I know Luigi Galvini. he is a mason by trade. I employed him at two livres of Milan per day. I have heard of a person of the name of Raggazzoni as

having been a mason at the Villa, and perhaps I might have seen him. I do not know Paolo Raggazzoni. I remember the grotto at the Villa d'Este. I remember two statues of Adam and Eve in that grotto, in the first rotunda; there were two other rotundas. There was no cornice made in that rotunda; there was no scaffold erected or work done in the rotunda where the statues were. There was a cornice in one of the other rotundas; it was impossible for the person in the rotunda with the cornice in it to see into the rotunda without a cornice, because the passage was crooked, and prevented the sight. The figures of Adam and Eve had been removed from the rotunda in which they had stood, before her royal highness's return from Turkey; they were removed into one of the Mosaic rooms in the palace, which was newly built. The workmen had been removed from the grotto. This was about eight or ten days before her royal highness's arrival. These rooms were made fit for her royal highness's reception. Where the statues were was a square room: the second was a low, small, oblong cabinet; the room beyond was an octagon or round room, with columns. No person in the octagon room could see the statues of Adam and Eve, for they were by the side of the opening.

Cross-examined by Mr. PARKE.

—I was born at the Villa d'Este. The figures of Adam and Eve were in the grotto, in the first octagon room. There were six rooms in the grotto, comprising the round and square rooms. They were not all on the same story. The witness then described the different rooms of the grotto. I came regularly from the Villa d'Este here. I have seen several persons taking designs at the Villa d'Este, but do not know for what. I saw an artist of the name of Ralti taking designs more than three or four months ago. Ralti lives at Milan. I came here with fourteen witnesses. We are paid by the order of Chevalier Vassali. I paid for the victuals of all the fourteen whom I brought, I did not apply to any person to become a witness. I set out on the 16th of September. Before I came I was examined at Milan, before an advocate named Poladzi, and an Englishman of the name of Henry. I gave the same account to them that I do

now. I am to have for coming here fifty Napoleons for all the fifteen. I have received nothing. I asked for nothing; but if her royal highness will make me a present, I will receive it. I came here to tell the truth. I will not swear I do not expect money. I came in a carriage by post. The Chevalier Vassali gave me money to pay for our food. The courier Francois paid the post.

Examined by Earl GROSVENOR. —There was no column or pillar in the grotto from which it was possible for a person to see the statues of Adam and Eve. (The witness produced a plan, on which he explained the relative situations of the statues and the pillars.)

By Lord BLESSINGTON. —There was a vine leaf, painted green, made of tin, over the figures. These were fastened by a cross wire. Both statues had leaves and wires. When the figures were removed into the Mosaic room the leaves and wires remained.

TWENTIETH WITNESS.

GUISEPPE GAROLINI sworn, and examined by Mr. WILLIAMS. — I come from Milan. I am a master mason. I have been employed for the Princess of Wales at the Villa d'Este. I know a person of the name of Raggazzoni. He was a daily workman. He had no men in his employ. I gave work to 7 or 8 workmen, and they all came together to be paid for their work. I know the grotto in the Villa d'Este. I remember work being done in that grotto. I recollect the statues of Adam and Eve. There was no cornice work whatever in the room where these statues were. There was no cornice work in an octangular room, at the top and in another room. These were the only rooms in which they were at work. They were at work upon the cornice. They had scaffolding up for the purpose, to reach to the ceiling. Scaffolding was put up in no other part of the grotto, the octangular room, and the square room. The square room joined the octangular room. The square room was the farthest from the statues. In no way could the statues of Adam and Eve be seen from the octangular room, because the passage was winding. Coming from the octangular room there is another room, then there is a passage,

and then another room where the statues are. This is the passage I have just alluded to. There were steps. I know a person of the name of Rastelli; his other name is Guiseppe. I have not seen him in England. He was away from Milan when I came away. Some time before, we had been together at an inn.

Do you recollect at any time any thing being said about your working for the princess?

The SOLICITOR-GENERAL begged to know to what part of the evidence of Rastelli the question last put was directed.

Mr. WILLIAMS, in a low tone, mentioned several pages in the printed minutes. The question was then repeated by the short-hand writer.

The SOLICITOR-GENERAL objected to any inquiries as to conversation between the witness and a third person. He should be glad to hear any reason why the question was put.

Mr. WILLIAMS.—I do not want the conversation between the parties, but I wish to establish the fact of Rastelli having applied to the witness to give evidence in this country against the queen, and tendering him money, or what was equivalent to money, to induce him to do so.

The SOLICITOR-GENERAL.—I object to that, unless my learned friend can show in Rastelli's evidence any such circumstance mentioned, and that the other side relied upon it.

Mr. WILLIAMS said, that he apprehended their lordships, for the purposes of justice, would consider it extremely material to ascertain what inducements had been held out to witnesses—what hopes or expectations of profit had been raised in them, in order to make it desirable for them to give evidence in support of the bill. Independent, however, of this general ground, there was a particular reason, in this instance, for allowing the question to be put; for it appeared in several parts of the printed minutes, and from the admission of Rastelli himself, that he had been employed by the Milan commission to collect evidence, and that he had actually sent one of the witnesses. These facts appeared on pages 234 and 411 of the printed evidence. The analogies of the courts below, regarding the responsibility of agents, would not apply in this case; for it was impossible to show that

Rastelli was agent to the promoter of this measure, whoever it might be. Nobody knew who was the supporter of the bill: it was a mystery not yet solved. There was, however, fixed upon Rastelli a degree of activity, or, to speak in the language of the law, of agency, which showed that it was very material to inquire into the steps he had taken.

The LORD CHANCELLOR interrupted the Solicitor General, who was about to reply, by observing that it was four o'clock, and that the discussion could not, probably, be concluded to-day. Before the counsel withdrew however, he wished to refer them to page 412 of the printed minutes, where it actually appeared that Rastelli had sworn that he had not offered money to any body to become a witness. If so, the other side had a right to contradict him.

Mr. BROUGHAM observed, that Mr. Williams rested his question upon two grounds—first, the agency of Rastelli, and next, the propriety of contradicting him.

The LORD CHANCELLOR added that the passage he had pointed out seemed to him very material.

Mr. BROUGHAM thought that it in fact dispensed with the necessity of farther argument on the point.

The SOLICITOR-GENERAL said that he was not aware that Rastelli had so sworn; but if the other side could call any body to show that he had offered money to witnesses, they had, of course, a right to do so.

The Lord Chancellor then adjourned the house.

FRIDAY, October 13.

Guisepe Garolini continued:—I said yesterday I was employed as head builder at the Villa D'Este. Before her royal highness set out for the long journey I was paid regularly. After her departure we entered into a contract of 75,000 livres. I did the work under the direction of Rati, the architect, who made me much greater work, and the sum amounted to 145,500 livres. I saw Rastelli when that sum of money was coming to me. I remember Rastelli asking me what was my bill against her royal highness, and I told him, after deducting what I had received, that it amounted to 45,500 livres. Rastelli spoke to me on the subject of this debt.

The SOLICITOR-GENERAL.—Does your lordship think a conversation with Rastelli can be received in evidence?

The LORD CHANCELLOR.—If it shall appear that Rastelli has offered him money to come as a witness, Rastelli having denied that he made such offer, I think it can.

The SOLICITOR-GENERAL considered, that it should appear to their Lordships, in the first instance, that Rastelli should have been examined to this particular conversation, in order that he might have an opportunity to explain what really did pass.

Mr. WILLIAMS said this was merely a mode of getting at a fact.

The LORD CHANCELLOR apprehended that the question could be put in this way—"Whether the witness knew that Rastelli had offered to him any money, or any advantage, for coming here as a witness." When that question was asked, then would arise a point upon which the opinion of the House could be taken.

Question put to the witness—

Did Rastelli offer you any money? He said if my account had not been liquidated, he would contrive to see me paid.

What did Rastelli say the witness was to do for that? He told me to give my account to him, for there were Englishmen at Milan, and he would see me paid.

Did Rastelli say at the same time what witness was to do in order to be paid? He told me if I had any thing to say against her royal highness, for I had been a long time in her service, to tell it to him, and he would endeavour to make me be paid.

At that same time, or at any other time, had he any other conversation with Rastelli as to what he was to do?

The SOLICITOR-GENERAL apprehended that this question, as to a conversation could not be put.

The LORD CHANCELLOR.—Not unless Rastelli's evidence shall appear to justify such a question.

Mr. WILLIAMS then read the evidence of Rastelli, in which he said he was not engaged as an active agent, but as a courier.

Mr. WILLIAMS referred to this as a denial of agency on the subject of the Milan Commission. The evidence he was about to offer to their lordships was the statement of Rastelli himself,

as to what he had done in collecting witnesses against the queen, and in giving to them sums of money to induce them to come forward. Upon this ground, he thought, the question he had put was perfectly admissible. There were other parts of the evidence in which it was apparent that Rastelli had been concerned in collecting witnesses in Italy; and, therefore, he humbly, but confidently, submitted, that to shew the degree of credit to which he was entitled, he was perfectly justified in proving the character in which he had actually appeared. It was also important to prove, with a reference to the interests of his illustrious client, how, and in what manner, evidence had been obtained to come forward against her.

Mr. BROUGHAM said, that his learned friend, had so ably put the real state of this question, that it was scarcely necessary for him to add one word. The evidence now offered was to contradict Rastelli in his assertion, that he had not acted as an agent in the procurement of witnesses against the queen. If they had known originally that Rastelli was to have been called, they would have been prepared to examine him to this point, but ignorant as they were of Rastelli's name, it was impossible for them to have been prepared to examine him to the conversations with which they were now acquainted. In his denial of having acted as an agent, however, he apprehended he had said enough to entitle them to contradict him to that fact, by shewing the conversations in which he had distinctly stated, that he had offered money to persons to come forward as witnesses. He contended that they were justified in shewing every thing which had been done by the Milan commissioners and their agents in getting up this case.

The SOLICITOR-GENERAL said, that if his learned friend meant to contradict Rastelli, he ought to have asked him the precise questions upon which that contradiction was to be given. The truth was, that Rastelli, in acting as courier for the Milan Commission, had acted as an agent; but unless it was shewn that what he had done beyond his mere character of courier was authorized by the Milan Commission, it was not competent to his learned friend to give evidence thereof, for the purpose of influencing this inquiry.

The LORD CHANCELLOR desired Mr. GURNEY to read the question.—The question having been read,

Lord ERSKINE said, that as it was apparent that Rastelli had intermeddled in the Milan Commission, it was necessary the evidence in question should be admitted. It was necessary all the light possible should be thrown on this dark transaction; and in this view he considered that the house had a right to have had the whole proceeding cleared up to them through the medium of a Mr. Cooke, Mr. Powell, and the other persons engaged in this mysterious affair. It was clear that Rastelli had acted as an agent; and, in order to satisfy their minds on this subject, he thought the extent to which he had carried that agency ought to be investigated.

Lord LIVERPOOL said, that with respect to the gentleman at the head of the Milan Commission, he had no objection that that gentleman should be most thoroughly examined, and that the house should be put in possession of the whole history of the transaction in which he had been engaged. (Hear, hear).

The LORD CHANCELLOR was of opinion that the question might be legally put, and the answer taken for better or for worse; but, he apprehended, in point of law, that the agency of the Milan Commission would not be established by the acts of Rastelli, though the acts proved to have been done by him might operate as a contradiction to his evidence upon the subject of his supposed agency, admitting him to have denied it. The question might be put to try the witness's veracity upon this point as well as upon other parts of his evidence. His Lordship went through a detailed review of Rastelli's evidence on this point, as a test of the propriety of the question. The name of Mr. Cooke, the barrister, being mentioned in the evidence, his Lordship took occasion to say, that as this was the first time that gentleman's name fell from his lips in the course of this inquiry, he must observe, that he had known that gentleman for half a century, and a more honourable man he did not know. Adverting to the question now under consideration, it appeared to him, under all the circumstances of the case, that, safely and consistently with the

interests of justice, the evidence ought to be received.

Lord CARNARVON, with great animation, observed, that, if there was a mind so constituted in the house as hitherto to entertain doubts that the case against the queen had completely failed, the proof now offered, and indeed established, of subornation of witnesses, must completely overwhelm the strongest advocate of the bill with confusion, and convince him that the further progress of this most outrageous measure would sign the death-warrant of the British constitution, and bring into contempt every institution valuable to the house itself, and upon which every future prospect of England depended (hear, hear). He could not treat the point now raised for consideration as a technical rule of law, because, by proceeding in this measure at all, the house had thrown aside all law (hear, hear), and had even been compelled, in several instances, to trace back their steps, by the decision of the judges of the land, who had been consulted on some parts of the case (hear, hear). If the evidence of the witnesses hitherto examined in support of the Queen's cause had not been sufficient to establish her innocence in every unbiassed and unprejudiced mind, the proof which had now come out upon the subject of subornation must strike every mind with irresistible force that the case had completely failed. Even those individuals who had entangled themselves in this proceeding, from personal motives, or from private interest, arising from expectations connected with it, and had pinned themselves to a measure which reflected disgrace and odium upon the country, must now be convinced that they had excited feelings in the public mind threatening immediate and permanent danger to the public peace, and to the very existence of the crown (hear.) Popular feeling and sentiment, as they regarded the institutions of the country, must be their pillars and props when wisely directed; but those feelings and sentiments, when aroused in such a cause as this, could not fail of sapping the very foundation of civil government. In this stage, then, of the business, and under the circumstances now disclosed, he implored their lordships to put an end to the proceedings, and decide that the case, whether totally de-

stroyed, or more or less proved, did not present upon the face of it, any warrant for sending this bill of expediency to the other house of Parliament. If the charge now brought forward against the agents in support of the procedure could be substantiated, and no doubt there was proof to support it, there could not be a peer in the house who must not think that the greatest service which could be rendered to the country, would be to put a stop to a measure which hung like a stone, dragging down the vital props of the constitution. However painful to him thus to interpose, he thought he could not best discharge the duties which he owed to the country as a Peer of Parliament, than to implore the house at once to stop short in their perilous career, when so much proof had been offered upon the subject of subornation.

Lord DONOUGHMORE condemned the speech of his noble friend who spoke last, as inflammatory and unprecedented, and wholly unwarranted upon a dry abstract question of evidence. There was nothing in the case which could authorise his noble friend thus to start up, in the present state of this grave and serious question, for the purpose of getting rid of the case altogether.

Lord CARNARVON explained, that what he called upon their lordships to do, was to suspend the present inquiry until the charge of bribery, which had already been in some measure established, should be further investigated, and that then, if the charge was established, the bill should be altogether withdrawn.

The examination of the witness was then resumed.

The first time I had any conversation with Rastelli, was in coming out of a boat. I had conversation also with him at Hamburgh and other places. He told me at Milan, that he had been after witnesses into my country, and had conversed with them, and had asked them whether they were willing to depose against the queen, and that then he asked them whether they would go with him to Milan? He mentioned the names of several of the witnesses to whom he had so spoken. He had asked them if they would go with him to Milan. He told me that he had kept them seven days at the inn, and paid them 40 francs each.

He said he had given 50 francs to one Raggazoni; the same sum to Barozzi. He mentioned the names of Francisco Bai, Ambrozio Ganibini, and Crusa. He said he had hired a post chaise for them, and went into my country, and paid their postage.

Cross-examined by the SOLICITOR-GENERAL.—The witness described the distances of the residences of the persons just named from Milan. I have not been paid any thing for coming here, but I agreed with General Pino, and an advocate—a doctor, that I was to have 2,100 francs for my loss of time and business, which at Michaelmas is considerable. I am to have this besides my expenses. I don't know the name of the advocate; he lives at Milan. I saw an English gentleman here, who read over the paper writing. I saw Vassali about the business; I had never spoken to him before. He never employed himself about my affairs. At that time I was employed in General Pino's house as a mason, doing work there. General Pino told me that, if I was willing to go to England, he would take care to make me an indemnification for my loss. The Chevalier Vassali was to pay me, as I understood. The bill due to me by the princess was paid at the end of April, or beginning of May, 1819. I am to receive no other advantage for coming here beyond what I have mentioned, except the advantage of sending me home again.

Examined by Lord LAUDERDALE. Her royal highness had a ceiling painted at the Villa D'Este. It was painted in small panuels, and in the middle there were some flowers.

Mr. BROUGHAM observed, that a new case was now opening, and not by his Majesty's Attorney-General. Not a word about this ceiling had been said before. He did not object to going into this new case from any dread of the consequences to her Majesty, but merely in order to point out to their lordships the great inconvenience to which it would give rise. If a new case, different from that stated by the Attorney-General were gone into, then must her Majesty's advisers be under the necessity of asking a new delay in order to meet it; and if they were to have to contend with one public prosecutor after another, there might be no end to the business.

Lord LAUDERDALE contended warmly that every Peer had a right to put questions relative to any part of her royal highness's conduct, without being called a public prosecutor.

The LORD CHANCELLOR said that the right was quite clear.

Lord DARNLEY admitted the right; but in a case of so complex, so anomalous, so extraordinary a character as the present, in which their lordships were both judges, jurors, legislators, and prosecutors, he thought it was peculiarly their duty to lean to the side of the accused; and he could not omit the opportunity of remarking, that there were some among their lordships who appeared not to be acting as impartial judges. (Order, order).

Lord DE DUNSTANVILLE rose to order. Such personal altercations were most improper.

Lord DARNLEY explained. He did not accuse any particular individual; he spoke generally. He must still say that he had seen a disposition in the House contrary to what he conceived and felt to be his duty.

Lord REDESDALE observed, that some things had passed which might, perhaps, excuse the observation of the noble lord; but that certainly it was as applicable to one side of the House as to the other.

The Earl of LAUDERDALE said he spoke strongly himself, and he allowed others to speak as strongly; but throughout his whole life he had never done any thing but what in his conscience he believed to be right.

The Earl of DARNLEY explained.

The Witness withdrew.

Mr. BROUGHAM wished to learn from the Attorney-General whether Rastelli was accessible or not. In short, whether he was in the country or not; as he wished to call him, and put some questions to him.

The ATTORNEY-GENERAL said the learned gentleman must first satisfy their lordships of the necessity of calling him.

Mr. BROUGHAM: If the learned Attorney-General will inform me that Rastelli is not in the country, I need not trouble their lordships on the subject.

The ATTORNEY-GENERAL said that Rastelli had been sent to Milan as a courier, with dispatches. As soon as he had learnt this fact, and antici-

pating it might be necessary again to call him, he (the Attorney-General) had sent another courier to bring him back, and he believed he might speedily be expected.

Mr. BROUGHAM: Is it possible that a person who has been examined as a witness for the prosecution, has been sent out of the country in the service of the Milan Commission?

The ATTORNEY-GENERAL said, Mr. Brougham had put questions to the last witness, which, he conceived, he had no right to put, in order to furnish ground for again calling Rastelli.

Mr. BROUGHAM: My learned friend, or rather those who instruct him, must have seen, that in the course of my cross-examination of Rastelli, I laid the foundation of his refutation; and that they who defended him, and rested on his evidence, should have had him ready to be produced whenever he might be called. If there was any thing in this prosecution that ought not to have been done, it was the sending Rastelli out as an agent in this—Milan Commission.

The ATTORNEY-GENERAL said it became necessary that the friends of the witnesses for the prosecution, at Milan, should be assured that they were safe; and no person was thought so proper to satisfy them as Rastelli going with letters from the witnesses to their friends.

Mr. BROUGHAM did not rise to reply, but to remind their lordships that there was an end to all security against the perjury of a witness, if he was to be sent out of the country. "How," said the learned counsel, "can I go on with this case under such circumstances?"

Lord HOLLAND, in a very animated speech, rose to advocate the cause of justice. The fact which had just come out at the bar of that house, was most monstrous (hear). When, at the commencement of this case, it was contemplated that perjury might be committed by some of the witnesses, it was asked that there should be some security that the same checks and the same penalties would be enforced as in ordinary cases. The learned Lord on the Treasury bench then declared, that although government felt some difficulty in detaining foreigners, yet that he would do every thing in his power for the ends of justice. What now appeared? Why, that one of those men

who may have been bribed to appear at your bar (hear, hear)—that this man cross-examined by the counsel in a manner that shewed he intended to impeach his evidence—this man has been sent away (hear). It was impossible that they could farther submit to the odium of this proceeding, and contended that they would do wise to get rid of the whole matter altogether.

Lord LIVERPOOL defended himself from any participation in the act of sending the witness away—an act which was not alone ill-judged, but highly blamable. He acquitted the Attorney and Solicitor General's of having had any knowledge of the departure of Rastelli until he was gone, and when they did know the fact they instantly sent to re-call him.

The Marquis of LANDSDOWN admitted the explanation as far as concerned the noble lord and his colleagues; but it certainly required the weight of the noble lord's character to defend him from the charge. The necessity of a defence from such a charge was one of the calamities attendant upon these proceedings. But while the house would acquit him of criminality, they were bound to consider the effect of such a circumstance, as that of which they had complained, upon the interests of the queen. The house was bound to do all that possibly could be done to repair the effect of such a course upon the interests of her Majesty (hear, hear).

The LORD CHANCELLOR said, that he certainly considered the measure extremely ill-judged. "I cannot deny that an allowance must be made for the absence of the witness, to the queen's cause, and I consider that those who support the bill are bound to bring him back. I consider that his examination upon a future day cannot be so beneficial to the cause of the queen as his examination at this moment would be. You are bound then, my lords, to make a liberal and large allowance. I think, indeed, it is impossible to repair the injury altogether. But good God! in justice to the queen, as well as to the country, do not close these proceedings in this stage of them." The noble lord concluded by calling upon their lordships to proceed with the evidence until the witness should return, and upon his return to make a large allowance for the unfor-

tunate circumstance that had occurred.

Lord CARNARVON.—"I agree with the noble lord, that the injury is irreparable; but I must add, and in doing so I speak the feelings of thousands, the only remedy is to put an end to these proceedings—these abominable proceedings—altogether." He concluded by moving, "That the House should adjourn to this day six months."

Lord ELLENBOROUGH said, it would be fatal to her majesty's reputation to close proceedings in this stage of them.

Lord GREY said, he never felt greater difficulty than at this moment. He trusted his noble friend would not persevere in his motion, but if he did, he should give his assent to it. The noble earl opposite had done himself honour by the manner in which he had reproached the fact of sending away this witness; but he must say it was a great deal more than ill-judged—it was most iniquitous. Looking at the whole proceeding, and more particularly to the situation in which the illustrious defendant was placed by the forfeiture of the pledges which had been given to her, he could not, if the motion was pressed to a division, do otherwise than vote for it.

Lord LIVERPOOL agreed that if substantial justice could not be done, the case should be suspended altogether; but he was convinced that substantial justice might and would be done. Her majesty might even be benefited by the postponement of Rastelli's re-examination, for the effect of it might probably be to set aside the evidence of that individual and all connected with him. If the House were to suspend their proceedings, they would neither do justice to her majesty, nor satisfy the public mind.

Lords LAUDERDALE and ELLENBOROUGH followed on the same side, against the motion.

Lord MORLEY hoped his noble friend would not press his motion; a division, in the present stage would be extremely painful to the private feelings of their lordships.

Lord ALVANLEY wished to know who was the person who had sent Rastelli out of the country?

Lord LIVERPOOL: I believe, Mr. Powell.

Lord CARNARVON would not press

his motion against the feelings of the house, but he would only withdraw it in order to substitute another, namely, that her Majesty's counsel should be asked whether they thought it material to the defence of her majesty that Rastelli should be examined immediately?

Lord HOLLAND spoke at some length, and with great eloquence, against proceeding with the cause till the fact of the existence of a conspiracy to suborn witnesses should be established.

Lord ERSKINE said, as his noble friend had agreed to suspend his motion, he wished that the counsel for her majesty should be asked if it was material to the defence that Rastelli should now be called in and examined?

Earl GREY moved, that Mr. Powell should now be called to the bar of the House.

JOHN ALLAN POWELL then appeared at the bar, and was examined by Earl Grey. He stated—I was employed in the Milan Commission; I am now engaged in conducting this prosecution. I heard the examination of Rastelli at this house. I recommended his being sent out to Italy, to assure the friends of the witnesses now in this country, that they were well; and that the reports in Italy of their mal-treatment were exaggerated. I thought it an act of humanity to do so. Rastelli went away on the Thursday or Friday after the adjournment, and I thought he would be back before he could be wanted. I ordered him to return by the 3rd of October.

Witness further stated, that he expected Rastelli to return soon, as three messages had been sent after him; but he had heard that he was very ill of a fever.

To a question from Lord Alvanley, witness said that he had no means of enforcing the attendance of Rastelli, if he refused to return.—It was agreed that Lord Erskine's question to the queen's counsel should be put to-morrow morning.—Adjourned at 5 o'clock.

SATURDAY, October 14.

Lord CARNARVON at the sitting of the house this morning, begged to withdraw the motion which he yesterday made, for the purpose of substituting another. Before he took this step, however, if the house permitted him to withdraw his original motion, he begged to

ask the noble Earl (Liverpool) whether he had, in pursuance of the pledge he had made to the house, given any instructions with regard to the witnesses who had been summoned to the bar of the house?

Lord LIVERPOOL said, he had given no general instructions; it was perfectly understood by the law officers of the crown, that they should not permit the witnesses to withdraw. An application was made at the Foreign Office for a passport for this man, and it was granted.

Lord CARNARVON begged now to move that Mr. Planta, of the Foreign Office, should be ordered to attend at the bar.

The LORD-CHANCELLOR put the question, and Mr. Planta was ordered to attend accordingly.

Lord CARNARVON. "I now move that Mr Powell be again called to the bar."

Lord GREY suggested that counsel on both sides should likewise be present, in order that they might put, through the house such questions as they might think necessary.

Mr. POWELL called in.

The witness, having appeared at the bar, was examined by Lord Carnarvon. He deposed as follows:—I have stated that Rastelli was sent to Milan on the Thursday or Friday after the adjournment of the house (the 14th or 15th of Sept.) I do not know that Rastelli was directed on his way to take dispatches to Lord Stewart, at Paris. I calculated that he would arrive at Milan in seven or eight days. I sent by Rastelli some papers. Those papers, I thought, might be made use of upon the opening of this business again, consequently Rastelli was to have returned previous to the 3rd of October. Rastelli was not instructed by me to go any where, except to Milan. I know that, previous to Rastelli's departure, a person, who had been sent here as a witness, but not examined, had been sent back. I recollect only one person so sent back. He was not one of those who had landed at Dover. Subsequent to the return of that person, no other person, to my knowledge, was sent back or permitted to return to Italy.

Do you know of any other witnesses, beside the one to whom you have alluded, having been sent back?

Mr. POWELL, Am I to speak to my own knowledge? You are.—

To the best of my recollection and belief there has not.

Lord LAUDERDALE objected to this course of examination.

Earl LIVERPOOL said, he had no hesitation in stating that he had, in consultation with the counsel for the bill, given it as his opinion, that all the witnesses who had not been examined in support of the bill might be sent back to Italy; and he had no hesitation in admitting that he rather wished they should go (hear). He understood, however, that only one witness had been sent away.

Earl GREY observed that it was apparent that one of the agents for this bill had misconducted himself, and therefore the House had a right to inquire into his conduct.

Lord LAUDERDALE considered the question improper.

The LORD-CHANCELLOR said, that the house ought to be extremely delicate in any questions which they might put to agents.

After some further desultory conversation as to the right of the House to put the question proposed, with a view to put the house in possession of the fact that unexamined witnesses had been sent back who might have given the information for which it was said Rastelli had been sent to Milan.

Mr. Powell was again examined. I have heard that two others were sent back. At the time I had sent Rastelli, I had made no inquiry as to whether any of the witnesses would be permitted to go back. I have received letters from Colonel Brown, stating that Rastelli was ill. I have had no communication from Rastelli himself. I mentioned at the Foreign Office that Rastelli was to go as a courier. Antecedent to this, I was acquainted with the persons of Lord Clanwilliam and Mr. Plauta, as agents for this bill. I do not consider that all the witnesses were under my controul. I applied to Rastelli to go to Milan solely for the purpose of quieting the minds of the families of the witnesses in Cotton-garden. The papers to which I alluded were sent by Rastelli as a courier. I sent those papers to be legalized, and expected that they would be brought back legalized by the 3rd of October. I had no expectation that Rastelli was to wait for them; that was to be left to the discretion of Colonel Brown. The witness then gave the names of

some of the witnesses whose families lived at Milan and in its neighbourhood. I do not recollect that I gave any instructions to Rastelli to go to the families in the neighbourhood of Milan; but he was to take, and did take letters from the witnesses in Cotton-garden to their families. It was by those letters, and Rastelli's personal appearance at Milan, and probably in the neighbourhood, that assurances of the safety of the witnesses were to be conveyed, and I concluded Colonel Brown would have directed Rastelli to have given those assurances. I do not know that any messenger, or letter, was sent to the family of Pietro Cuchi, at Trieste.

The witness was examined at considerable length by several Peers, and his answers were substantially to the effect following:—He had a letter from Colonel Brown relative to the sending of Rastelli to Milan, and had written to Colonel Brown by Rastelli. But he objected to produce those letters, or to disclose any part of their contents, as he was the confidential agent for this Bill. He expected that Rastelli, who left London in his way to Milan on the 14th of September, would come back here by the 3d of this month. He considered six days and nights a sufficient time for a courier, with ordinary diligence, to reach Milan from London, and that he might perform the journey there and back, doing the business on which he was sent, in twelve days and nights. He carried letters to the families of several of the persons who came to be examined as witnesses now in Cotton-garden, to make the minds of those families easy as to the safety of the witnesses, and he was to have personal communication with those families at Milan. He gave directions to Rastelli to be back by the 3rd of October, although he did not think he would be wanted as a witness (having already given his testimony at the bar of this house) until the bill should come before the house of Commons. He was not aware that, after the witnesses who were examined at this bar had given their testimony, any such orders given by the house as that those witnesses should be still kept in readiness to be again produced, if the house should so require, nor that the first Lord of the Treasury had pledged himself to that effect. He now recollected the circumstance, and he could only say it did not

suggest itself to him at the time Rastelli was sent off. The reason he sent Rastelli in preference to any other, was, because he thought him the best person to send, as he appeared to be well acquainted with the families of the other witnesses. He could not positively say whether any one of the other witnesses examined here was resident at Milan. He could not say from his own personal knowledge that they were. He did not recollect where the witnesses, on their examination, had stated themselves to be resident. He considered the witnesses in Cottou-garden to be under the direction and control of the Attorney-General. There are several other persons residing in the same place with them; but he does not know whether any of those persons have control over the witnesses or not. He says he has given directions for persons to be admitted to communicate with those witnesses; but he has also given directions that strangers should be excluded from intercourse with them. He does not recollect whether he made any previous communication to Rastelli that he was to be sent; but he did not make any secret of it. He does not recollect whether he had any communication with any other agent relative to the sending of Rastelli, previous to his mission. He had no authority from any one for sending Rastelli in particular out of the country.

The witness was ordered to withdraw, but he was recalled at the request of Mr. Brougham, who wished to put to him some questions.

The witness having come back to the bar, Mr. Brougham asked the witness who was his client, or employer, in this cause?

The LORD CHANCELLOR objected to the question.

Mr. BROUGHAM.—My Lords, it is a very important question, and I have no object in putting it, except for the purposes of strict justice. It is most important for us to put this question to this witness, as he in the very first witness that has appeared at this bar, in the course of the proceedings, who could give us any information upon this point. Is it not of great importance to ask of this witness, who is the solicitor in this cause, who his client is, when we are acting as the counsel for a defendant open and avowed? If I knew who the person was, *non constat* that I could not bring forward docu-

ments, speeches, and communications without number against him, and highly important to the cause of my client. But up to this moment I have never been able to trace "the local habitation—the name" of the unknown being who is the plaintiff in this proceeding. I know not but it may vanish into thin air. I know not under what shape it exists;

"If shape it might be called, that shape had none,

"Distinguishable in member, joint, or limb,

"Or substance might be called that shadow seemed;

"For each seemed either. Black it stood as night,

"Fierce as the furies, terrible as hell,

"And shook a dreadful dart: what seem'd his head

"The likeness of a kingly crown had on."

If I could see it I might interrogate it, and bring out of its mouth, if it has a mouth, who and what it is, and whether it be a man? But up to this moment, we do not know who the party is; it may be some shapeless form without a head—or it may be a head with the semblance of a body. But highly and vitally important as it is for my client to know who is her principal accuser, and highly indispensable as it is for me, who am her advocate, to put such questions to the witnesses as I am legally entitled to ask, and upon which I would have a right to insist in any of the justiciary courts below, I am met at every step of my progress by "You can't ask this question—you must not put that question;" but, my lords, how can I discharge my duty to my illustrious client, if I am to be debarred from putting questions to the witness indispensable for her defence; and which as an advocate in any of the courts below, I should have an undoubted right to put.

The LORD CHANCELLOR was sorry to interrupt the counsel in the course of the proceedings. But he apprehended it was not proper for the defendant's counsel to put this question to the solicitor in support of the bill, and called now for another purpose. If the learned counsel wished to make this person his witness in chief, let him call him for that purpose, and he might put the question.

Mr. BROUGHAM then asked the witness—How many of the witnesses for the bill who had come over had been sent away before Rastelli was sent, on the 14th of September?

The LORD CHANCELLOR objected to this question, as not connected with the subject for which the witness was called.

Mr. BROUGHAM then asked the witness, if he would swear that no other person had gone as a courier to Italy, on the business of the Milan Commission, at the time that Rastelli was sent back.

Witness answered, he considered the Milan Commission to have ceased in March, 1819, and he did not consider himself as acting under the Milan Commission.

I knew Krous had returned to the Continent after the Dover riots, and that others might have gone over also as couriers; but the only letters that were conveyed by such couriers were from the witnesses to their families, which we sent to the care of Colonel Brown, to be by him delivered. This was necessary, because I had heard from the Colonel that the families of the witnesses were very easy about them, in consequence of false reports that had gone over, calculated to excite their apprehension.

Mr. Brougham was proceeding to interrogate the witness, as to whether Colonel Brown had wished Rastelli in particular to be sent over, but

The LORD CHANCELLOR decided that no part of Colonel Brown's confidential correspondence with the witness ought to be disclosed in evidence.

The witness in his further examination said, I did not recollect that Rastelli had said he did not know any of the witnesses, except by coming over with some of them. As agent I have read the numbers, but I did not particularly bear in mind what Rastelli deposed.

The part of Rastelli's evidence referred to was here read. It merely stated that he (Rastelli) knew nothing of the witness, except by the accident of coming over with some of them.

Mr. Powell, when further interrogated, said, I cannot tell how many of the witnesses are from the north of Italy, nor about how many, nor give any conjecture even within a dozen. Rastelli I know was in Holland after

the Dover riots; but I do not know that he at that time went to Milan, or any where else.

I gave him no instructions so to do. The last time when he went away, he certainly had instructions to remove the apprehensions of the witnesses who are abroad, and the families who are here, and to convince them of their safety and proper treatment in this country. I had no motive upon earth to send Rastelli away with a view to keep him from this country; nor, if I thought this delay would have arisen, should I have sent him for any consideration, as I look upon his testimony to be most material, should this bill go to the House of Commons.

Re-examined by the ATTORNEY-GENERAL.—I was present when Mr. Brougham said he should call for the cross-examination of no other witness than Majocchi, and I had not the slightest reason to believe he intended to call back Rastelli, or else, most certainly, I should not have sent him out of the way.

Examined by the Earl of LAUDERDALE.—Rastelli was one of the witnesses present at the riots at Dover; but I cannot say, whether he was the only one of the witnesses there who was a courier, as I really don't know who were there.

Mr. Powell was then directed to withdraw.

The Earl of LAUDERDALE wished Mr. Powell's evidence, which he considered most material, and very properly called for, to be published by the order of the house in a separate form, from the other evidence in the case.

Earl GREY concurred in the propriety of this suggestion, thinking also the evidence most material.

Lord ERSKINE agreed that it ought to be published, though he did not know why the publication should be in any way distinguished from any other part of the minutes of evidence in this case.

The Earl of LAUDERDALE wished the distinction to be made, because he considered the examination of Mr. Powell referred to a particular matter from that relating to the bill before their lordships.

Lord REDESDALE concurred in the propriety of the evidence of Mr. Powell being kept separate.

The Earl of DONOUGHMORE strongly concurred in the necessity of

preserving the minutes of Mr. Powell's evidence.

The Earl of CARNARVON said, that with respect to the examination of Mr. Powell, their lordships had done right to commence it.

The LORD CHANCELLOR thought it would be convenient to have Mr. Powell's evidence printed distinctly. If done, as he understood from the clerk it might, in the printed form, be in course of delivery to their lordships early on Monday morning.

Mr. Powell's evidence was then ordered to be printed in a separate form.

Joseph Plauta, Esq. was then called to the bar, and examined by the Earl of CARNARVON.—His answers were—I am Under Secretary of State to Lord Castlereagh; and remember about the 14th of September Mr. Powell applying to me for a passport for a courier named Rastelli. I think he told me, that this witness was to remove some apprehensions from the families of the Italian witnesses here; but I don't particularly recollect what passed. No dispatches were sent by Rastelli from the Foreign Office. I gave the passport according to the usual official forms—it was signed by Lord Castlereagh; but I beg to explain, that his lordship's name is always ready written to the passports lying for use in the office. I did not apply to Lord Castlereagh on this occasion, nor did I receive instructions from him on the subject. I knew Rastelli was a witness, from the ordinary newspaper medium, but I did not dwell upon that recollection, nor did I know that this house had ordered all the witnesses to be kept in this country. There have been passports granted to couriers once, but whether to recall Rastelli or not, I cannot say.

In answer to a question from the Earl of DARLINGTON.—No other passport for a courier was applied for at the time Rastelli's was.

In answer to questions from Mr. BROUGHAM—"Something was, I believe, said, by Mr. Powell respecting Rastelli being a proper person to send to inform the families of the witnesses abroad respecting their state here; but I really cannot recollect the particulars; being merely occupied at the time in the discharge of my official duties."

The witness being desired to withdraw, Lord CARNARVON moved,

that the Counsel be called in and informed of the result of Mr. Powell's examination, and asked, whether, under the circumstances, they were now prepared to proceed with any other part of her majesty's case.

After some conversation, the motion in that shape was withdrawn, and the counsel were simply called in and desired to go on.

Mr. BROUGHAM applied for a few minutes' adjournment to consult with his colleagues as to the course proper for them to pursue. The house accordingly adjourned until two o'clock, when Mr. Brougham announced that he intended to resume the head of evidence upon which the house was engaged yesterday, and accordingly called the

TWENTY-FIRST WITNESS.

PHILLIPPO POMI, examined by Dr. LUSHINGTON.—I am a carpenter by trade, and come from the parish of Barona, in Italy, and have worked in the queen's house there. I know Guiseppi Rastelli, who was a groom in the queen's service. I know also madame De Mont. In the course of last year Rastelli came to the Barona, where I was, and was employed in making plans of the house, he asked me whether I ever received presents from the persons who visited the house. I said no, and he afterwards made me a present of 40 francs. He offered me money on another day to come here as a witness. He told me that if I had to say any thing against her royal highness, I should receive a great present. I said I had nothing to say against her majesty, and that I knew nothing but good of her. He said to me, "Pommi, if you like you may make yourself a man." I asked him what he meant. He answered, "You, who have always lived in this house, night and day, may have something to depose against her royal highness." I said I had nothing to depose against her royal highness, who had always done a great deal of good. De Mont was not present at this time.

Did Rastelli, at the time he offered money to you, mention her name?—This question was objected to.

At the time of the second conversation, when the offer was made, he took me to an inn. He told me if I had any thing to depose—any thing against

her royal highness, now is the time, I would become a great man and receive a great present. He mentioned the name of De Mont on that occasion. I asked him whether De Mont was still in the service of her royal highness, and he told me that she was, and then I found that she was here. He also told me that she had made a great sum. He told me at that time, that if I would depose something against her royal highness, I should have a great present. I answered that I had been night and day in that house for a long time, and I had never seen any thing improper. He said that it was a bad house, or a house for bad women, and so forth, and I answered that this was a real falsehood, for I had seen nothing of this, and it ended so. Rastelli used the expression respecting De Mont when he was going about making recruits. I know a person of the name of Rigantini. He sells salt and tobacco, &c. about a gunshot out of Milan. He is a companion of Rastelli's.

Did Rigantini ever make any offer to witness respecting giving evidence against her royal highness?

The ATTORNEY-GENERAL objected to this question — what, he would ask, had a conversation with Rigantini to do with the conduct of Rastelli?

Dr. LUSHINGTON said, he would shew that it was perfectly relevant to the case before the house. The learned counsel then adverted to the evidence of Rastelli, in which he stated that he had been taken before the members of the Milan Commission by this very Rigantini. He was an agent of the Commission, and it was fit the house should be apprized of the character and conduct of all the persons concerned in this nefarious proceeding. It was difficult to find out who or what the party agitating this question was; but, he considered it as a sort of joint-stock concern, in which both that house and the government were engaged. It was expedient, however, under all views of the case, that the practices of the subordinate agents should be developed. In this view he thought the question proper.

Mr. DENMAN regarded the whole of this case as a foul and malignant conspiracy against a defenceless woman; and he submitted, that they had a right to drag to public view all

ramifications by which it had been supported. It was with this intention they were calling witnesses to prove the conduct of the agents of the Milan Commission, in endeavouring to suborn testimony, and to corrupt honest individuals to the commission of gross and wilful perjury.

The ATTORNEY-GENERAL again complained that his learned friends had indulged in unwarrantable invective when the subject at issue was the decision of a simple point of evidence. He was going on to contend, that the question proposed was inadmissible, when

The LORD CHANCELLOR interposed, and gave it as his opinion, that the attempt of putting the question objected to, was one of the most extravagant propositions he had ever heard.

Mr. DENMAN then declared they had no further questions to put.

Mr. Denman, before the house adjourned, asked whether Rigantini was in this country.

The SOLICITOR-GENERAL said that his learned friend had no right to ask what witnesses they might think it necessary to call to rebut the testimony which those called by him had given.

Mr. DENMAN said Rigantini could not be called to contradict the last witness, as he had been stopped from saying a word about him.

The house adjourned shortly before four o'clock.

MONDAY, October 16.

Sir JOHN BERESFORD was called to the bar and sworn: he was examined by Earl GREY.

I am a rear-admiral in his majesty's service. I commanded his majesty's ship the *Poictiers*. I remember a person of the name of William Carrington on board that ship. He filled the situation of quarter-master on board the *Poictiers*, and was rated as such. At the request of Sir William Gell, I procured the discharge of the man, by writing to the acting captain (Jones), and requesting that he would rate him as my clerk. He was in consequence rated as a midshipman, and discharged as a midshipman. It was at Sir William Gell's repeated request that he was discharged. I gave him a certificate expressive of my opinion

of his good conduct. Never was a man who behaved better while he was in the ship. If there was any thing irregular in his discharge it was my fault, and not the fault of the acting captain.

Examined by Lord MELVILLE.—Carrington never was rated as a midshipman. I do not recollect having had any conversation with him relative to his being rated as a midshipman. After Sir Wm. Gell asked me for his discharge, I called Carrington, and I expressed a hope that he did not mean to leave the service; and he said he was anxious to do so as he did not like the service.

Lord CALTHORPE, in allusion to the notice of the learned counsel touching the identity of the prosecutor in this case, observed, that it appeared to him, that this being a proceeding originating in state policy, the House of Lords were the prosecutors. No party had so little right to complain of any want of information on this point as the queen's counsel.

Lord LIVERPOOL said he had no difficulty in stating how this matter stood. There was no mystery in the proceedings. His lordship in the first instance brought down papers by his majesty's command. Those papers were referred to a secret committee, who reported upon them, and then his lordship, on his own responsibility, brought in the present bill. There was, therefore, no mystery in the proceeding. His majesty's Attorney-General was then ordered by the house to attend at the bar and examine witnesses in support of the bill. This was in strict conformity with the usages of parliament, and he took upon himself, as prime minister, the responsibility of bringing in the bill, upon a firm conviction that its preamble would be proved. It was for the house to determine upon the evidence adduced whether the preamble was proved.

Lord LANSDOWN urged, that as there was one party acknowledged at the bar, the real prosecutor of the bill ought to be identified, in order that the defendant might have the advantage of sifting to the bottom the conspiracy to which allusion had been made; and discovering the truth and justice of the case. He should certainly call for the judgment of the house upon the question now raised.

The LORD CHANCELLOR thought that, in point of order, the examination

of the witness now at the bar, ought to be concluded before any motion upon the subject alluded to was brought before the house. The noble Secretary of State having brought in the bill, he did so upon his own responsibility, and was answerable for the consequences, like all other ministers.

Earl GREY complained strongly of the absence of an avowal of a principal in this business. Without this knowledge how was the conduct of agents to be thoroughly investigated, for the purpose of tracing whether any subornation of perjury had, in fact, been committed? He should, when the cross-examination of witnesses was over, submit a proposition to the house on the subject.

The Earl of CARNARVON contended, in pointed terms, the manner in which this business had been conducted, with respect, for instance, to the Carlsbue evidence, which rested on the testimony of one witness—a witness, too, that had been examined, not by the Milan Commission, but by the Hanoverian minister, and afterwards taken to Hanover. Was that minister an authorised agent, and who was responsible for his acts? Did ministers adopt the conduct of the Hanoverian minister?—or who was to be responsible for the acts of the minister of a little German despot? Perhaps, not only the ministers employed in this business were those of the king of Great Britain, but also of the king of Hanover, and even of the duke of Cornwall. If the real constitutional advisers of his majesty were responsible for all that had been done, he believed they would have to answer for most disgraceful means, which compromised the character of the country. Every principle of justice, every feeling of truth and common sense, were at variance with what had been done in this miserable case.

Lord MELVILLE here moved, that the proper officer should attend from the Admiralty, with copies from the ship's books of the Postiers, &c. of the situation on board and services of Wm. Carrington.—Ordered.

The witness Phillippo Pomi, who was examined on Saturday, was now recalled, and cross-examined by the Attorney-General. He deposed as follows:

I resided at the Barons, and it is

now called the Villa Bergami, since it was purchased by Bergami. He bought it in 1816, but it has only lately had his name. I worked there since as a carpenter, for Bergami, as before. I did not see him since some time in August last. I left the Barona on the 20th September; but I cannot positively remember whether it was at the end of August or beginning of September I last saw Bergami. I did not see him when I set out. I came voluntarily, having heard that the advocate Codatzi was receiving depositions in favour of the lady who served me and the whole of the people at the Barona. Bergami had left the Villa before witness left it; but when and to go where, precisely I cannot say. I was anxious to come and say what I know of a lady who had done so much good, and I would readily go one hundred miles for that purpose. There was no application made to me to come. I again say I came voluntarily. I did go to the advocate at Milan I think on the 24th August—Bergami was not then at the Villa nor did I see him at Milan. I was examined by Codatzi; then nobody else was present at the time. Codatzi said I ought to come over, and I came accordingly. I saw nobody else but Codatzi about my evidence. I know there was an Englishman or a foreigner with Codatzi when he came to the villa, but who he was I don't know. He only came to see the villa. He was an Englishman, I believe; I did not speak to him. I know Vassali, and I saw him before I set out; it was in August, after I saw the advocate. I came to England in company with my late head master, and three other persons. I saw Vassali at Milan, near his house, when he was getting into his carriage. I did not call upon him. I have seen him many times. In 1818 I saw him. I have seen him many times in London. I did not bear my own expenses in coming over; they were borne by my head master who bore them for all. Carolini was my head master. For coming here as a witness I have to say that when I went to the advocate, I told him if I was to go 100 miles I would go without any thing, or if it was an affair of little time, I said, provided they would provide something for my family, I would go for her royal highness to the end of the world. I have no expectations in regard to myself, and I told them so, if they would give

a livre a day to my wife, and half a livre to each of my children, per d.y. This is all the assistance my family is to receive. If they give any thing to myself I shall take it. I can swear that I don't expect any thing because I made no agreement, but as some people have some hopes of remuneration,

I have no expectation; but for the benefit the princess has done me, I would go to the end of the world. The name of the person who came with Rastelli to me at the Villa Barona, is Antonio Gerolini. He is an architect, like his father, but more clever. Gerolini took a plan of the house on that occasion—a drawing or design. After they made a plan Gerolini, he, and Rastelli began to leap for joy, and congratulate each other. The others went away. I remember some dancing at the Barona when the Princess and Bergami were there. The extent of the Villa Bergami and the grounds, I don't know exactly, but it is an estate of about 1000 perticas. I don't know how many acres the grounds are in extent. The persons who used to be at the balls at the Barona were all people well brought up from father and mother; and when the young people were, the fathers were always present. They were all gentleman and ladies in their condition in life; gentlemen—both male and female. I know Maria Calietti; perhaps she may have gone there. I don't know what she is precisely. I don't know whether she keeps the public house called the St. Christopher; the name of the woman who keeps that house is Rosina. She has kept that house. She was at the balls; but she is a respectable woman. She was brought by the other girls. This woman Rosina only came once to the balls; she is one of the gentlefolks, the mother of another girl who used to go there; she was mistress of the inn. There is another inn. The innkeeper is there; his name is Giovanni Angelo, now the son, but his father was called Antonio. His wife and sister went there but only once; the sister was an only daughter. I do not know Battista, a blacksmith, at the Barona; he is Antonio Mani; his daughter did not go to the balls, for he has no daughter; but he has three sons, and I never saw any of them there. I have made all the doors at the Barona. I worked after at the house of the tenant. I do not remember on going up stairs any thing par-

ticular; I went up 100 times: once I went up to mend a chest of drawers, when I saw the Princess in her own room. I have seen her in the hall and other places. Bergami was not then with her. I will swear I did not see her and Bergami then together in the bed-room. I can swear before God for this, I never, never saw her in the room with him, I could not tell such a thing when I never saw it. I have told you I know nothing of this affair. I can swear even before God that I never saw Bergami and the Princess in her own room. I saw nothing of this business before. It was not my way to go up stairs; I had men under me to work, but I went up to mend the chest of drawers, and then it was that I saw the princess in her own room. I never saw them together in her own room. How many times am I to swear to this. I never said I saw them so, because I never saw them. I have seen the wife of Bergami at the Barona, before I set out for England. I did not see little Victorine, because she was at school, but at what place I do not know. Many gentlefolks were at the balls; the names of all I do not recollect: there was Maria Donnarina and others, whom if I had now before my eyes I could mention. Maria was well brought up, she is the flower of women. She is Antonio's daughter who keeps the inn.

Examined by Lord GREY.—I wish to ask him if any person asked witness to give evidence against the queen; and, if so, whom?—No.

Did no person speak to him on the subject of giving evidence against the queen?—There is Rastelli, as I mentioned the other day.

Any other person? Another person of the name of Riganti, who, when I went to his shop to buy some snuff.—

The ATTORNEY-GENERAL objected to the witness proceeding with this answer.

Lord GREY wished the rest of the conversation to be detailed.

The ATTORNEY-GENERAL said, he only now took the same objection that had been taken on another point, but quite analogous to this, by her majesty's counsel. What Riganti said on that occasion could not be evidence, and would not appear on their lordships' minutes.

The LORD CHANCELLOR.—Mr. Solicitor, do you wish to be heard?

The SOLICITOR-GENERAL was

of opinion, that whatever conversation passed between the witness and a stranger, could not be given here. Personally, he had no objection to the answer; but, as officially before their lordships, he was bound to take it.

The ATTORNEY-GENERAL contended, that according to all the ordinary rules of evidence, this answer was inadmissible. Such conversation could not be considered as evidence.

The LORD CHANCELLOR wished to know the grounds of the objection, and also to call on her Majesty's counsel to support the question.

Mr. BROUGHAM.—The answer is—page 410, referred to Riganti, and in the present stage he thought this was enough to authorize their persisting in the question. Riganti went to Rastelli, and asked him to go before the Italian advocate and before the commission. He did so, and after that went before the Milan Commission, who examined them. In fact, he was an agent, and an active agent. It was necessary to open the door to such evidence as this. What, if he could prove many persons were promised rewards if they swore against the princess—even that they saw Bergami put his hand up the princess's petticoats—what, if he proved this and more—what, if he could connect these slanders with the Milan Commission? What! would their lordships preclude evidence to that? Would any man hesitate to say, his mind would not be decided against the bill if a system of bribery to corrupt evidence were proved? It now appeared his majesty's government were to be his antagonists? and would any one say Lords Liverpool and Harrowby, who were now his antagonists, would not be influenced, if he could prove those fellows, employed by their agents, went about offering other people money for false and filthy swearing. Rastelli did so; so did Riganti; and he was sure it would be seen a conspiracy was proved against the queen, and by parties at the other side. If different people combined in a conspiracy, though he could not bring it home to noble lords opposed against him, still, if he proved the one-half of what he could prove, conspiracy existed to a frightful and alarming extent.

The LORD CHANCELLOR said, that his opinion remained unchanged. The evidence offered could not, consistently with the rules of law, as pre-

stood in the courts below, be put. In justice to him, he hoped the question would be put to the judges.

Earl GREY agreed, that, according to the practice in the courts below, the question could not be put; but he thought a case now existed which entitled them to depart from these rules.

After some observations from Earl Liverpool, Lord Erskine, and Lord Redesdale, the question was negatived without a division.

The witness was then recalled, and, in answer to a question from one of the peers, said, Rastelli had told him that De Mont was to receive a reward for giving evidence against the queen.

TWENTY-SECOND WITNESS.

POMPELLIO PONIATI sworn, and examined by Mr. Wilde. I was clerk to the professional agent of her majesty at Milan. I was taken to the house of Vilmacarti. I had a conversation with him. The moment he saw me he knew me, and told me to bring the papers of her royal highness to him.

Did he offer you any inducement to bring these papers?

The SOLICITOR-GENERAL objected to this question.

Mr. WILDE supported the question as perfectly admissible. Vilmacarti had, if no other person had, been distinctly proved to be an agent in this abominable conspiracy. What he proposed by this witness to prove was, that Vilmacarti and Colonel Brown, or the former with the sanction of the latter, had offered to the witness a valuable consideration to purloin from the professional law agent of the Princess of Wales, the papers connected with her defence. He submitted, with confidence, that the queen could not be shut out from showing this fact, as well as other facts exhibiting the atrocious conduct of these agents in their true colours. If such offers were proved in the courts below, any prosecution would be instantly scouted.

Mr. BROUGHAM followed on the same side, and submitted, that unless he was allowed to shew the flagitious manner in which this conspiracy had been got up, it was in vain for him to attempt to defend his illustrious client.

The SOLICITOR-GENERAL was heard in reply, and at half-past four the house adjourned.

TUESDAY, October 17.

The LORD CHANCELLOR, advertising to the objection which had been taken yesterday to the examination of witnesses as to the conduct of Vilmacarti, moved, that the following question should be submitted to the judges.

If, in the trial of a civil action or a criminal indictment, evidence had been given on the cross-examination of the witnesses examined in chief for the plaintiff in the civil action, or in support of the charges of the indictment, from which it was to be inferred that A. B. had been employed to collect witnesses for the plaintiff or the prosecution; and if the defendant, in a civil action, or under indictment, offered proof that A. B. had gone about to induce C. D. to give corrupt testimony in support of the civil action or criminal charges—no witness called as a witness in chief for the indictment, or civil action, having, under cross-examination given any proof of A. B.'s corrupt agency—would the practice of the courts below allow C. D. a witness called for the defence, to give false testimony in support of the civil suit or the criminal charges, there being no proof that A. B. had been authorised by his principal to make offers?

Earl GREY, before their lordships came to a decision on this question, wished to say a few words. If the noble and learned lord wished to propose the question to the learned judges merely for his own satisfaction, he should on that ground not object, to it. But he must declare he was of opinion, that, even if the judges did decide that, according to the rules of evidence in the courts below, the examination proposed by the queen's counsel could not be allowed, their lordships were not bound to act on that decision. On the contrary, he would contend that, in consequence of the knowledge of acts which had come to them from the bar, they were bound to inquire into the truth of the allegations. He was however, not much disposed to oppose the proposition of the noble and learned lord, because, whatever might be the answer given by the learned judges, he should propose to their lordships to proceed in the course of inquiry which was now suspended. The present point of inquiry was neither more nor less than a continuation of the case of Rastelli; into that case their lordships had

consented to inquire; but the evidence in that case was improperly admitted, if the rule was to be, that, unless agency could be proved, they were not to receive evidence of corruption.

The Earl of LIVERPOOL wished to say a few words in consequence of what had fallen from the noble lord opposite. In the first place, as to the objection to confining the question to be proposed to the judges to the practice of the courts in civil actions, he believed that his noble and learned friend would have no objection to strike these words out, and to let the question go to the judges without any limitation. With regard to the general argument of the noble lord, he thought the view taken by him was founded altogether in mistake. He desired that no man should suppose that he meant to argue that it was not as bad to endeavour to corrupt those who had not been brought forward as witnesses, as it was to suborn those who had actually been before the house. In his opinion, to attempt corruption in the one instance was just as iniquitous as in the other; but what he contended was, that in the latter case they had nothing to do with it at this time, and ought not to be called upon to go into an irrelevant inquiry, which he did not see could have any effect on the present proceedings. If the judges should be of opinion that the evidence might be received, he considered that justice would require that they should hear what the parties accused could offer in their defence.

Lord ERSKINE concurred in opinion with Earl Grey and spoke at some length, but in a tone of voice which was not distinctly heard below the bar. The evidence he thought ought to be received or rejected by their lordship's decision. He had not altered the opinion which he gave on the subject yesterday. Having considered the matter still further, and called to his recollection his practice at the bar in early life, he felt convinced with his noble friend (Earl Grey) that the examination of the witness ought to be allowed without any question being put to the judges. He thought it strange that, after the admission had been made that the house were bound by technical rules, but were to attain the truth and administer substantial justice, the admission of this testimony should be opposed; and in that anomalous proceeding all the disadvantages were still thrust upon

the queen, and none of the advantages accorded to her.

The Earl of LAUDERDALE said, the question appeared to him to be, whether the house would abide by the rules of evidence of the courts of law or not. If the excellence of those rules were admitted in the courts below, he desired to know why they were not applicable to the highest as well as the lowest courts of judicature.

The Earl of ROSLYN said, that the house was bound to dispose of the bill according to the evidence adduced by the promoters of it; but was it nothing to ascertain in what manner that evidence had been collected? Was it nothing to shew that the fountain from which it was drawn was corrupted, and no truth could flow from such a source? Was it nothing to shew this from those who had refused the proffered bribe, and who declared the agent that tendered it? Did any body, in point of fact, doubt the agency of Vilmaert in this cause? Nobody could now doubt the agency of either colonel Brown or Mr. Powell; for the latter, by his refusal to give the letter of the former, clearly established the direct agency of both. If, with these palpable facts before their lordships, with these proceedings of agents so long engaged in collecting testimony, they should deem it right to reject in the present stage of their proceedings, the only inquiry which could make their future progress safe, then indeed, he should be obliged to confess that he saw no safety for the administration of justice there—that he saw no hope of the salutary protection of the community, no safeguard against the recurrence of dark and dubious means to entrap testimony destined to sap the foundation of justice (hear).

After some further discussion, in which Lord Manners, the Earl of Donoughmore, Earl Grosvenor, Lord Redesdale, the Lord Chancellor, the Marquis of Lansdown, and Lord King took part,

It was agreed to refer two questions; they were in substance as implied by the preceding argument: whether in courts of ordinary judicature, evidence can be received of corrupt practices, of bribery, and subornation of perjury, in a cause under trial, by any agent, without previously establishing in proof the fact of his agency.

The judges then retired.

After an hour's absence, the judges returned to the house.

LORD CHIEF JUSTICE ABBOT stated, that the judges had conferred together on the questions propounded to them; but, in consequence of their great importance, they required farther time, until to-morrow, before they delivered their opinion.

The LORD CHANCELLOR immediately moved the adjournment of the house.

The Earl of CARNARVON did not conceive that their lordships could be more unprofitably employed than sitting in that place discussing technical questions; because it appeared to him that the point of law which had been much debated had no connexion whatever with the point of duty, on which they would ultimately be called to decide for themselves. Whether this alleged conspiracy he proved or be not proved, the real question for their lordships' decision must be whether they would yield to the demand of ministers; first to give them the human sacrifice for which they thirsted (hear), and, when they had immolated their victim, to proceed to inquire by what foul crime, by what wicked artifices, that victim had been led to the altar? (Hear). This was the most extraordinary proposition that a minister of the crown had ever assumed the right of submitting to their lordships, but still it was the true question now before them. Their lordships might do well to amuse themselves by putting questions to the judges, but it was impossible for them to get rid of the question which he had stated; therefore, he thought they had better at once meet that question boldly and manfully (hear, hear). But if they thought proper to wait for a decision on this point of law, which, he repeated, was wholly irrelevant to the point of duty, it would seem as if they were afraid of the great question. He would not apologize for this sort of appeal, which, to some, might appear to be a waste of time, because he was convinced that they could not waste their time worse than pursuing the line of proceeding which they had adopted.

Lord ERSKINE rose for the purpose of proposing that another question should be referred to the judges, with the view of ascertaining whether evidence like that on which their lordships had been debating, and on the

propriety of receiving which, no decision had yet taken place, might not, under particular circumstances, be legalized, and rendered admissible. Although the question put to the learned judges might be by them decided in the affirmative, he would assume that a negative decision had taken place, and under that supposition would put the following question:—"Supposing, according to the rule of law, evidence of a conspiracy, by suborned witnesses to support any prosecution, ought not to be admitted, except such as applies to the prosecutor, or the agents employed by him, whose general evidence of such conspiracy will not, nevertheless, in the first instance, be received, as a preliminary step to connect the prosecutor himself, or any agent employed by him, with the conspiracy? and whether, by the same rule, evidence should not be received from the defendant, he seeking to establish the existence of a conspiracy to suborn evidence against him? His lordship moved, "that this question be referred to the judges."

The question was referred to the judges, and at half-past two o'clock the house adjourned.

WEDNESDAY, October 12.

The LORD CHIEF JUSTICE this day delivered his judgment in the name of all his brother judges on the questions which were yesterday submitted to them. He said he had conferred with his learned brother judges on the questions submitted to them by their lordships, on which they had not been able to come to a decision yesterday. He, after considering the subject with them, had written down his own opinion. This, on perusing it, his learned brothers had thought proper to adopt, and he was, therefore, authorised to deliver it to the house as their opinion. His lordship then proceeded to read the paper, which he had drawn up. It stated the first question referred to their consideration, which he (Chief Justice Abbott) regarded as one of great importance, and had accordingly given it all the attention due to it, with anxiety proportioned to its importance; and he now, with great diffidence, submitted the result of that consideration to the house. He considered it his duty to view the question as if the parties were reversed; and he then proceeded to show what might

be the effect of the adoption of the principle contended for in the case he had supposed. He shewed that, under particular circumstances, it might go to throw discredit on a just defence, and thus lead to the condemnation of an innocent person. This consideration enabled him to contemplate with more calmness the answer which he should feel it to be his duty to give. In cases like the present, agents, to obtain evidence were necessarily employed: and there was no disgrace in employing, or in being employed, as an agent. The principal in any case could only be affected by the acts of the agent, where those acts were authorised by the principal. One person could not be disgraced by the actions of another who might be his agent, unless the actions referred could be proved to have been done by his immediate order. It was possible that up to the moment of the opening of the prosecution, the prosecutor might be ignorant of the acts of his agent, and would reject the means that were used if they came within his knowledge. An important consideration suggested itself as to the effects such acts ought to have on the character of witnesses. These might be numerous and respectable in a case where the agent for the prosecution had grossly misconducted himself; and the witnesses were not all to be regarded as perjured knaves, because certain wicked endeavours had been made to seduce other persons, by money or other means, to give evidence to the same effect. He, therefore, came to the conclusion that in this case, as in that which he had supposed as analogous to it, the question could not be put. If it were proved that practices of the kind alluded to had been resorted to by the agent, a slight degree of suspicion might in consequence attach to the witnesses, but it was not on suspicions that the verdict of a jury ought to be founded—it ought to rest upon facts. He begged to add, that he by no means went the length of saying that, in no case, and under no possible circumstances, could evidence of the nature now tendered be received. His lordship was of opinion that the whole case ought to be opened, in order that the judges might form an adequate opinion, whether, under all the circumstances, and the different bearings of those circumstances, the propounded

proof of conspiracy could or could not be admitted.

The ATTORNEY-GENERAL said, the opinion of the judges had shown that his objection was well founded; notwithstanding which, however, he had not the least objection to the inquiry being gone into respecting the conduct of the gentlemen who had formed the Milan Commission, reserving, however, to those gentlemen, the right of calling witnesses for their own vindication, in answer to any evidence that might be brought against them on the other side.

Mr. BROUGHAM said, he could not exactly arrive at the real decision of the judges.

Lord LIVERPOOL was clearly of opinion, that unless the rules and regulations respecting evidence obtaining in the courts below, were observed generally on the present occasion, the house would be continually plunged into collateral investigations beside the present question. Still, however, he for one, should be most anxious for the house to enter into a full examination of the conduct of the Milan Commission, provided they thought this the period at which it was fit that investigation of their conduct ought to be gone into.

Lord GREY conceived that the proposed examination which had been interrupted ought to be gone into, but he could by no means entertain that opinion on the grounds stated by the Attorney-General, or by the noble lord on the other side of the house. The noble earl then moved, that the witness should be called in, and asked the question which had been objected to.

After some further observations from the Lord Chancellor and Lord Erskine, the witness was ordered to be called in accordingly.

Previous to the arrival of the witness, Mr. Granville Sharpe was, at the instance of Lord Kenyon, called to the bar to correct the statement which had been made of the Bishop of Calcutta having been present at the Turkish dance, described in his evidence. He since understood the Bishop was not there.

SAMUEL INMAN, of the Navy-office, presented to the house extracts from the ships' books relative to the service of William Carrington.

POMPELLIO POMATI recalled and examined by **Mr. Wilde**.

All the previous questions and answers of the witness were repeated until the short-hand writer came to the question to which the objection had been taken.

Mr. WILDE then put the following question:—

You have stated that **Vilmacarti** had told you to bring her royal highness's papers; did he offer you any inducement to bring those papers? He told me that he would have given me an employment, and that he would have given me more emolument than my employer.

The further testimony given by the Witness was as follows:—

The employment which he promised me was in the police of Milan. On the following day I brought him some papers. He told me to come after sunset. I took papers in this way to **Vilmacarti** seven or eight times. I took them from the office of **Codatzi**, the queen's advocate. I received money for taking these papers. **Vilmacarti** knew I was a clerk in **Codatzi's** office. I received money for taking these papers six times. I was not satisfied with the money I had received (laughter). I complained once to **Colonel Brown** that **Vilmacarti** had not given me money enough for taking her royal highness's papers to him. He told me that he was a friend to the advocate **Vilmacarti**, and that I ought not to doubt he would pay me what he had promised me. **Colonel Brown** told me to call the next day on **Vilmacarti**, and that he would give me something. I went, and received some more money. The papers which I took to **Vilmacarti** were letters and other papers relating to evidence in favour of the princess. I know a man of the name of **Riganti**. He applied to me for papers. I spoke to **Vilmacarti** of him. I said I did not know him; and he told me he was a man of character. He applied to me for papers respecting the affairs of her royal highness. **Riganti** knew I was in the service of **Codatzi**. He told me he would give me a deal of money.

Cross-examined by the **SOLICITOR-GENERAL**.—There was a person who came to me twice, and urged me to go to **Vilmacarti**; he took me twice. He said I should be made a gentleman of if I went. I knew **Vilmacarti** was employed in the process against her royal

highness when I went. **Codatzi**, my employer, was employed in the affairs of the princess in Italy. I did not, as an honest man, communicate to him the message I had received to take away the papers. I do not know the person by whom I was desired to go to **Vilmacarti**. I met him accidentally in the street.—The witness underwent a further long cross-examination, during which he confirmed his former testimony. He said he was induced to come here solely from a desire to repair the evil which he had done. He expected no reward. He was now in the cloth trade; and did not intend to go back to the service of **Codatzi**.

PHILIPPO POMI recalled and examined by **Mr. Tyndall**.—I know a person of the name of **Riganti**. He lives at the **Porto di Genessa**, Milan. He sells tobacco, vinegar, &c. When I went to his shop he had always something to tell me.

The **ATTORNEY GENERAL** objected to any evidence being received of offers made by **Riganti**.

The **LORD CHANCELLOR** thought that, after what the last witness had said respecting **Vilmacarti** and **Riganti**, this evidence might be received.

Witness in continuation,—I went to buy salt or something else, and he asked me (for he knew that I belonged to the Barona), if I had ever seen those "scherze" between the princess and **Bergami**; if I did, now was the time to come forward to obtain something, and become a man (the interpreter explained that "scherze" meant anything or nothing). I answered "No, I had seen no scherze;" and then he replied, "How! have you not seen **Bergami** putting the princess on horse or ass-back, and thrust his hand—?" I told him that this was a true falsehood (much laughter); for, instead of that, he paid her all possible respect and decency—such as the greatest personage required—such as was due to her. The same sort of conduct occurred whenever I went into the shop, so that I was obliged, in fact, never more to go into his shop, and I left it altogether, because he bothered me so much on this subject—he gave me so much trouble and annoyance.

Cross-examined by the **ATTORNEY-GENERAL**.—These conversations passed when there were several people in the shop. **Riganti** went so far as to say, they would wage war against

the princess till death. There was a man whose name was Antonio Baroggi present when he said this.

TWENTY-THIRD WITNESS.

ANTONIO MAOINI examined by Mr. Williams.—I come from Venice: I was formerly in the police: I am now a manager of estates. I know a person of the name of Paoli Zangli; he was a manager of a theatre at Venice. I was acquainted with him in March, 1818. I remember being with him at the Theatre San Lucca last year, in the month of November. I remember his receiving two letters at once. I saw him open them, and I saw a motion of surprise when he read them. Zangli and I went to Milan about six or seven days after the receipt of the letters. We went by the diligence. When we arrived at the place from whence the diligence set out, I saw Zangli receive 15 Napoleons d'or, which were sent him from Milan. When we arrived at Milan I went with Zangli to a house in the Porto d'Orientale—to the house No. 660. There was a tailor's shop on one side of this house. Zangli went up stairs; I remained below till his return. I also accompanied Zangli to the house of Vilmacarti. On that occasion Zangli went up and waited an hour and a half. We afterwards went to the house of another man, and then to the house of Colonel or Major Brown. It was to Colonel Brown's house we first went. When Zangli went up on the second occasion, I again waited below. In a quarter of an hour Zangli came down. He had his hand full of double Napoleons. He told me there were 80.

What did he say to you then?

The **ATTORNEY-GENERAL** objected to this question, and said, that at present there was not the slightest pretence for asking the house to admit evidence so irregular as the conversation, whatever it might be, between Zangli and the witness of what passed between the former and the person with whom he had been. As the case now stood, there was nothing whatever to show that Zangli was either the agent of Colonel Brown or Vilmacarti.

Mr. **WILLIAMS** contended that, in point of law, the question was perfectly admissible. The evidence for which he called fell within the ordinary rule of declarations accompanying the fact, but he did not mean to rest on that.

The **SOLICITOR-GENERAL** denied that they came within any such rule.

Mr. **WILLIAMS** renewed his argument, and contended that the question ought to be put. Suppose the witness were to say that he was told to make depositions against the queen, whether true or not, and to receive for them valuable considerations—suppose this should appear to be the declaration made by Zangli to the witness.

The **ATTORNEY-GENERAL** here interrupted Mr. Williams, and objected to his learned friends, arguing on any such declaration, which, in this stage of the proceeding, was perfectly inadmissible.

Mr. **WILLIAMS** said in reply, that the judges, in delivering their opinion this day, had said, that on a trial for a conspiracy, it was competent for the party to begin at whatever end of that conspiracy they thought proper. The usual practice, they said, was to begin with evidence of a general nature, showing the existence of the conspiracy, and then to adduce the details, bringing it home to individuals. His object now was to show that an opinion prevailed in Italy, that if witnesses came forward against the queen, whether right or wrong was their testimony, they would be profitably rewarded. He had here shown that one witness had received a letter, in consequence of which he had gone to Col. Brown, and that when he came down from that person he had a handful of money, which he showed to the witness, who is now ready to prove the fact. This was only a step in the cause it was true; but how else but by steps were they to unravel the conspiracy? How else was he to prove it, except by showing the parts of which it consisted?

Mr. **TYNDALL** followed on the same side. An agency was to be proved in several ways, both by direct proof, and by reference. It was in a variety of instances only to be proved by the latter. Suppose, for instance, a charge of bribery was brought against a candidate at an election, how rarely in the first instance could evidence be obtained directly to affect the agent? The only way to ascertain the fact, was to trace his conduct by his acts, to find out the individual by it, and then trace the bribe to the party giving it; that was the course they were taking here.

The **ATTORNEY-GENERAL**, in

reply, entreated the house to pause before it admitted this evidence, and see the importance of adhering to the ordinary rule of law, which was fatal to the admissibility of this question. They had now heard that they were to be called upon to admit as evidence in this cause the prevalent reports which might have been circulated in Italy, because it was possible they might have made an impression on the minds of the witnesses. The house might now clearly see the extent to which the other side wished evidence to be received. No man could in future be safe if it were allowed; and it was his (the Attorney-General's) duty to object to it, when the object was to substantiate so foul, so heinous a crime.

Mr. BROUGHAM said that he had no right to reply, he only wished to explain.

The ATTORNEY-GENERAL: I object, my lords, to this examination.

Mr. BROUGHAM: I only beg to say, that we do not attack Col. Brown (order, order).

The LORD CHANCELLOR said that three grounds had been urged for receiving this evidence:—1st, That testimony might be given of general impressions abroad; but this was the first time his lordship had ever heard of such testimony being offered. Secondly, it was asserted that agency had been established. He could not conceive on what ground the declarations of Zangli, when he came down stairs to the witness, could be admitted as the proof of what had passed up stairs. If this were to be proved, at all events it must be proved by Zangli himself, unless the rule that the best evidence that could be obtained should be adduced was completely reversed. The third point urged was, that this might in the result turn out to be evidence of a conspiracy; but here again his lordship knew of no case where such had been allowed, and where it was not required that the party producing the evidence should connect it more immediately with the charge. For these reasons he thought that the objection urged by the Attorney-General ought to prevail.

Lord ERSKINE entertained some considerable doubts upon the subject. He agreed that this question ought to be viewed as if the objection had been taken on an indictment; and he admitted also, that before such evidence could be entered upon, counsel ought

to explain its object, and to state what he intended to attempt by the production of the witness. If the proof failed, no party would be affected.

The LORD CHANCELLOR had no objection to the opinion of the judges being taken on the subject, and Lord Erskine expressed his assent.

Mr. BROUGHAM said, that the house might remember that he was not allowed to open the nature of the evidence on this point.

Lord ERSKINE observed, that counsel ought not only to be permitted to open it, but were required to open it.

The LORD CHANCELLOR, after exchanging a few words with the judges who sat near him, said, that though it might not be regular, he was authorized to say that the judges entertained no doubt that the evidence ought not to be received.

Lord REDESDALE, in a few words, expressed his concurrence.

Earl GREY felt disposed to agree in the opinion given by the Lord Chancellor, and upon the three grounds that he had stated.

Mr. BROUGHAM. Will your lordships allow me to state—

The LORD CHANCELLOR: The house, I dare say, will have no objection to allow you to state what you wish to-morrow, but it is now four o'clock.—Adjourned.

THURSDAY, October 19.

Mr. BROUGHAM this day prepared to continue the examination of the witness Maoni, for the purpose of shewing by his evidence that Zangla had been party to a conspiracy against the queen, by offering to him (Maoni) a bribe to induce him to swear to facts of which he had no knowledge.

This led to a discussion of considerable length, which terminated in the rejection of the question—as there was no proof of Zangla having acted as an authorized agent.

Antonio Maoni recalled, and examined by Mr. WILLIAMS.—You stated yesterday, that you went with Zangla from Venice to Milan? I did.

Did you return with Zangla to Venice?—Yes.

How many days were you at Milan?—Two days.

What is the distance from Milan to Venice?—One hundred and eighty-five miles.

Did you pay your own expenses, or

did any one pay them for you?—I did not pay even one-hundredth part of a livre; Zangla paid the whole.

Had you any business of your own at Milan?—No.

Had Zangla any as a stage manager or otherwise?—None. He went only for this object.

What do you mean by this object?

The ATTORNEY-GENERAL objected to the question.

Mr. BROUGHAM said that they only wanted to know what the witness meant by certain words he had used. He had never before heard such an explanation objected to.

The LORD CHANCELLOR said, that perhaps the question could be put in a shape which would leave no room for objection.

Mr. WILLIAMS said, he would endeavour to do so.

To the witness.—Did you see Zangla do any thing else than go to the Porto Orientale and the Rue Gabello?—He went also to look after a person of the name of Imberti, a sort of second manager of the theatre.

You told us, yesterday, you saw Zangla come down stairs from colonel Brown with a number of Napoleons in his hand? Yes, I did.

At that time did he make you any offer?

The ATTORNEY-GENERAL objected to the question; it was to the very same purpose as that which their lordships had just decided should not be put.

Mr. WILLIAMS: it is a question as to a fact.

The SOLICITOR-GENERAL: And we object to that fact, as not relevant.

The LORD CHANCELLOR: I must confess it does appear to me to be the same question as that last rejected.

Mr. BROUGHAM: Am I then to understand that the decision of your lordships is to apply to all other evidence that we may have ready to adduce of similar offers having been made to suborn and bribe.

The LORD CHANCELLOR:—Mr. Brougham it would be infinitely too daring for the house to give an answer to your question. The house can only decide on each question as it arises.

Mr. BROUGHAM. We can tender no other kind of evidence that can bring the case of conspiracy nearer to the Milan Commission than that which your lordships are pleased to reject.

We have not Rastelli to produce, we have not Rignuti to produce; we have no means of compelling their appearance. All that we can do we are ready to do; but your lordships seem to say, that all we can do is of no avail. I understand your lordships to be of opinion, that the calling on col. Brown, the bringing out of money from him, and shewing that money, as a bribe received to bear evidence against her majesty, are circumstances not sufficient to connect the bribery with the agents of the Milan Commission. If so, I can only say that you cut thus the clue of our case; we are, situated as we are, Rastelli being withdrawn from us, and Rignuti beyond our reach, produce no stronger evidence than we have tendered, and your lordships have rejected. If such is the decision your lordships have come to, then we need not carry farther the line of evidence on which we had entered.

The LORD CHANCELLOR: All I can say, without taking the sense of the house on the subject, is, that the question of calling other witnesses must be left entirely to your own discretion, and I am sure it cannot be left to any better.

Mr. BROUGHAM: Then we have a further question to put to the witness Maoni.

The ATTORNEY-GENERAL declined any cross-examination.

By LORD LAUDERDALE.—When you saw the Napoleons in the hand of Zangla, were they loose, in bags, or in paper? He had a handful, and a large hand he has! (A laugh.)

TWENTY-FIFTH WITNESS.

RUMARIGO SALVADORE, examined by Mr. DENMAN: I am from Treviso; I am Professor of Literature, teacher of the Italian and Latin languages, and I reside at Lausanne, in Switzerland. In 1818 I was at Lausanne, and saw Sacchi. He held a conversation with me on the subject of the process against her royal highness.

Did he make any application to you on the subject?

The ATTORNEY-GENERAL objected to this question, upon the ground that the declaration of Sacchi, given by any other person, was not admissible under such circumstances, Sacchi not having been proved to be an agent.

Mr. DENMAN said, his object in asking the question was to prove that Sacchi had assured the witness that his fortune would be made if he gave evidence against the queen, and of course to shew that the evidence of Sacchi against her royal highness was inadmissible. The agency of Sacchi had been established by the evidence of De Mont and another witness. He could prove, that at Lausanne, Sacchi performed acts under the Commission. [Mr. Denman here read a great part of the evidence of De Mont and of Sacchi, to prove the employment of Sacchi as an agent].

Mr. PARKE said, the nature of the evidence just quoted was not such as was calculated to establish the agency of Sacchi. The only evidence to prove the agency was, that Sacchi had brought a witness from Lausanne, and that he had gone to Charnitz, but for what specific purpose did not appear. No proof had been given that he had been employed by the Commission to collect evidence generally.

Mr. DENMAN said, their lordships would be guilty of the worst of blindness, if they would now refuse to open their eyes to a conspiracy established for such base purposes. When the Milan Commission was talked of, it was not spoken of as an abstract question, but as a subject upon which there was no doubt. If Sacchi had been found employed by the Commission, at Lausanne and at Charnitz, in the way he was ready to prove, it was clear that he was the agent of the Commission in as great a degree, or indeed a greater degree, than if Riganti had been concerned. If, then, Sacchi was known to be an authorised agent going about and abusing the authority under which he was acting, could their lordships refuse to hear evidence in proof of such vile employment? If it was lawful to inquire into the acts of the Milan Commission, it was surely competent to their lordships to inquire into the conduct of the agents of that Commission, in gathering the evidence against her royal highness.

It was finally agreed to put the following questions to the judges, the first proposed by the Lord Chancellor, and the latter by Lord Erskine.

"Whether, in the administration of justice in the courts below, when a witness for the prosecution had been examined in chief, and had not been

cross-examined as to any declaration he had made relating to his procuring witnesses for the prosecution, whether the counsel for the defence could bring evidence to prove such declaration, without first calling on the witness to know if he had ever made such declaration?"

"If in any trial a witness is called on the part of the plaintiff, and gives evidence against the defendant, and if, after the cross-examination, it is discovered that the witness so examined has endeavoured to corrupt persons to give evidence against the defendant, whether counsel for the defendant may not be allowed to adduce evidence of such corrupt acts?"

The judges having withdrawn to deliberate on these questions, the house adjourned at half-past three.

FRIDAY, October 30.

On the motion of the Marquis of Lansdown, the order of the house of the 21st of August, by which the witnesses were ordered to be in attendance *de diem in diem* was read; and it was read; and it was directed, that all the witnesses who had been examined should in future be in attendance, so that they might be recalled if the house should have occasion to call them.

The CHIEF JUSTICE ABBOTT delivered the opinion of himself and his brother judges on the questions which were yesterday submitted to them, which in substance amounted to this—"That, according to the practice and usage of the courts below, as by law administered, the proposed proofs could not be adduced without the previous cross-examination of the party intended to be impugned, to the facts and declaration, charged against him, and for this purpose he might be immediately called back."

The LORD CHANCELLOR asked Mr. Brougham whether he now wished that Sacchi should be called back?

Mr. BROUGHAM thought they had already had a sufficient foundation for the question proposed, without recalling Sacchi.

Mr. GURNEY, by order of the house, read the question proposed.

The LORD CHANCELLOR then put it to the house, whether this question should be put or not?

Earl GREY thought that sufficient evidence had been offered to connect Sacchi with the Milan Commission as

their agent; and in this impression, he moved that the question should be put.

The **Earl of LIVERPOOL** denied that Sacchi had been proved to be an agent of the Milan Commission, and on that motion he ground opposed the motion.

Lord ERSKINE said, that even supposing Sacchi had not been proved to be an agent on this occasion, yet that as it was important for the house to see the extent to which the subornation of perjury had gone, he should support the motion for putting the question.

Earl DARNLEY read a question which he put to De Mout, and in which she stated "that Sacchi had told her he asked her to go to Milan, on the part of the Commission." After this would it be said that Sacchi was not an agent of that Commission?

Lord MANNERS thought, consistently with the laws of evidence, this question could not be put. He called upon the house, with a view to the preservation of their own dignity, to adhere to the rules of law. He thought it ought to be put to the judges, whether Sacchi had or had not been proved to be an agent.

The **Marquis of LANSDOWN** submitted that the house ought to decide the propriety of putting this question upon their own judgment. It was a mere question of fact as to whether agency had been proved or not, and upon this the house were themselves the only competent judges.

The **LORD CHANCELLOR** then put the question "as to whether the question proposed should be now put or not."

The house divided: Contents, 51.—Non-Contents, 159.—Majority, 108. Counsel were then called in, and

The **LORD CHANCELLOR** informed them that it was the opinion of the house that the question could not be "now put."

Mr. BROUGHAM said, that he had offered this evidence to shew the manner in which the case on the other side had been tainted, and this not under a criminal prosecution, but in the consideration of a bill before their lordships. Placed as he was, he should for the present close the evidence upon this point of his case, and proceed to another.

Counsel were now ordered to withdraw.

DEPARTURE OF RASTELLI.

The **Marquis of LANSDOWN** now addressed the house, on the subject of Rastelli's having been sent out of the country, with a passport from the Foreign Office, by an agent engaged in the prosecution of the bill then before the house. He adverted to the fact of a letter having been sent by Mr. Powell to colonel Brown by that man, and to the letter which Mr. Powell admitted he had subsequently received from colonel Brown, announcing the indisposition of Rastelli. He recalled to the recollection of the house, the refusal on the part of Mr. Powell to communicate the contents of those letters, upon the ground of their being confidential documents connected with his official character as an agent in this case, and then submitted that the house had a right to have such extracts from those letters as related to the illness of Rastelli, with a view to ascertain in point of fact, whether the true reasons had been stated, first for withdrawing him from the country, and next for his not returning at a period when his testimony was so peculiarly required. The noble marquis concluded by moving for such parts of the correspondence between Mr. Powell and Colonel Brown, as related to the departure of Rastelli, in September last, and to his subsequent detention from this country.

Lord LIVERPOOL was of opinion, that the confidential correspondence of a party could not be called for; but he was ready to say, the house having now a mixed character, it was for their lordships to consider, whether, as a matter of strict right, this might or might not be permitted. Agents, when appointed, were endued with all the confidence due to agents, and he considered Mr. Powell was here as much so, as if he were the agent of the illustrious person alluded to so often. This case stood on a different ground from the public documents which might be drawn up or signed for inspection, and in a given case might be deemed necessary to be proved. But here the confidential agents should not disclose what was confided to them; and he could not consent to divest them of the reasonable power they ought to have as such. If this doctrine were true, it applied to extracts as well as to the whole of a correspondence. It would be unfair to garble such correspond-

ence; but his objection was, the moment agents were appointed, they were in the same situation as private agents, and should not, therefore, divulge what was confided to them. The correspondence called for was that of an agent, and he should oppose its production. Public documents might be produced, the confidential communications of agents should not. Little ally there was no mystery in this case. An important witness most improperly sent out of this country—this was most improper; but he was sent out by one of the agents, without the knowledge of any other. Every one admitted the impropriety of sending him away, though many differed as to the motives for which it was done. He objected to the production of the correspondence, and thought, if it was called for at all, a secret committee would be the most proper to have it referred to. If that met the views of the noble marquis he should have no objection to it.

Lord KING said Rastelli was proved to have been an agent in the case, and sent out of the country in such a manner as was highly improper, and for which, in any other court, the agent who had so sent him would have been struck off from the list of attorneys. The object of the motion made by his noble friend, was to see if the motive avowed for sending him out of the country, was, in point of fact, the real motive. The colleagues of the noble earl might screen themselves under their leader; but ever since the days of "The Cabal," he never knew a ministry who acted on so wicked a measure as the present. Witnesses were brought forward by different agents. Kress was brought by a German agent, not arrived—a double agency, a double machinery, was at work, for which the noble earl opposite was responsible. The test of his sincerity would be the production of this correspondence, if the government had no other object than what they might avow to the public. If these were not produced, the public would not be satisfied.

Lord ELLENBOROUGH was of opinion, that in private cases, the acts of agents required concealment; but God forbid he should say concealment was either intended or wished in this case. All they now wish by the production of these papers, was to ascertain if the reasons assigned for sending

an important agent and witness out of the way, were founded on truth or not. If it should appear that the written correspondence differed from Mr. Powell's statement, the inference could be but one, and that unfavourable to the prosecutors. He should wish, in unison with the opinion of the noble earl (Liverpool), these letters to be referred to a secret committee.

Lord ROSLYN could not consider the privilege contended for as belonging to Mr. Powell. The privilege was only given to an attorney for the benefit of his client. There were many cases in which, if an attorney had been employed confidentially by a party, and ceased to be the attorney in a case then under discussion, he was liable to be examined. It was material to see who were the agents and parties in this case. The house was the party prosecuting, and it was material for the ends of justice that the whole truth should be disclosed. In many cases the principal was examined—especially in divorce cases, to which the present was most analogous. Here however, the principal, which was the house, waived its right, and the agent should do the same.

Lord LIVERPOOL. There could be but one object on this occasion, namely, to get at the truth. But solemn principles should not be violated in doing so. As a general principle, he thought acceding to the motion wrong; but, under the peculiar circumstances of the case, extracts might perhaps be safely referred to a secret committee.

The LORD CHANCELLOR desired he should not be understood as one of those who had no objection to the present motion. Mr. Powell, in refusing to disclose his correspondence, acted right, and would have deserved never to be entrusted with any professional employment again, if he had acted otherwise.

Lord ERSKINE. Contempt was not charged on the Attorney-General, but it was charged on Mr. Powell. The production of the correspondence he conceived essential to the interests of public justice.

The Marquis of LANSDOWN. The noble and learned lord at the table was in error, if he supposed him to have used any animadversions on the conduct of Mr. Powell. If the suggestion of the noble earl (Liverpool) met with

the concurrence of the house, he should feel no difficulty in adopting it, though not altogether coinciding with his wishes.

The LORD CHANCELLOR, in explanation, said, no noble lord in the house could be less charged with indulging in anomalies than the noble marquis.

The Marquis of LANSDOWN.—Though Mr. Powell was certainly examined as to whether or not he had written on the subject of sending Rastelli out of the country, he was not particularly examined as to the general contents of what he had written. All he wished was, to obtain the truth as to this very important transaction.

Lord LIVERPOOL thought it would be more convenient, that the committee should have power to call for such extracts as related to Rastelli's mission to Milan.

Some delay here occurred, in consequence of the marquis of Lansdown so shaping his motion as to meet the wishes of Lord Liverpool, and it was now read by the Lord Chancellor—"That a secret committee be appointed to inquire into and examine the correspondence between James Allan Powell and col. Brown, so far as the same relates to sending Rastelli to Milan in September last, and as to the cause of his not now being here."

Lord LAUDERDALE considered that agreeing to this motion would be an act of gross injustice. It would be a most unprecedented and dangerous proceeding.

The Marquis of LANSDOWN contended that the production of this correspondence was of a totally different character from that in which it was represented by the noble lord. It was to elicit the truth in the first place, and as to its being unprecedented, it was only a year or two ago, that the other branch of the legislature ordered the production of a correspondence between one of its own members, Mr. Quin, with a Mr. O'Grady.

Lord Liverpool and the marquis of Lansdown mutually explained. Earls Morton and Limerick were entirely against its production. Lord Redesdale said, if the motion were agreed to, the best principles of justice would be violated.

Earl GREY said, justice would not be done if this correspondence were not produced. The public would not be

satisfied unless they were satisfied no improper motive influenced Rastelli's being sent out of the country. Nor could the character of their lordship's house, he maintained, unless every disposition was evinced to probe the business to the bottom. As to Mr. Powell's making extracts, nothing could be more nugatory, for, of course, he would make what extracts he pleased, or what he might call extracts, to square with his parole evidence. After some further remarks, in which his lordship observed he did not approve the motion as read by the lord chancellor, he stated he should move an amendment—"that Mr. Powell be directed to produce extracts of such parts of his correspondence with col. Brown, as related to the mission of Rastelli to Milan."

Lord LIVERPOOL: sealed up?

Earl GREY: Yes, sealed up.

The Earl of LIVERPOOL then said he had no objection to the motion so framed.

The Earl of HAREWOOD, though averse to any such disclosure, thought that the present case called for the production of such parts of Mr. Powell's correspondence with Col. Brown, as were essential to explain the transaction.

The Earl of DONOUGHMORE concurred in the motion as rendered necessary in the affair of Rastelli.

The Earl of CARNARVON thought the motion nugatory, if the committee were restricted to such parts as Mr. Powell thought proper to select.

The house then divided on Earl Grey's motion, as amended, when the numbers were—Contents 122—Non-Contents 79—majority for the production of the extracts to a secret committee 43.

On our re-admission below the bar we found the Earl of Carnarvon contending that the examination of Mr. Powell respecting the extracts ought to be public.

The secret committee was then formed of the Marquis of Lansdowne, Earl Grey, the Earl of Carnarvon, the Earl of Roslyn, the Earl of Lauderdale, the Earl of Liverpool, Lord Ellenborough, and one or two other peers.

The motion was then put and carried and the committee was appointed. The counsel were called in, and the Chancellor informed them of the decision to which the house had come.

Mr. BROUGHAM then declared his

wish, in this stage of the bill, to pursue the investigation into the obstruction which had been thrown in the way of the queen's counsel, by the fact of Rastelli having been sent out of the country, and for that purpose to call Mr. Powell to the bar.

Earl CARNARVON, with a view to justice, thought this a reasonable request, and moved "That Mr. Powell should be again called to the bar."

The LORD-CHANCELLOR thought this was a proceeding of a most dangerous nature, arising out of another proceeding equally dangerous. His Lordship then put the question, "That Mr. Powell should be called in."

The Marquis of LANDSDOWN saw no objection to Mr. Powell being called in as the counsel on both sides might examine him.

Earl Liverpool and Lord Ellenborough objected to Mr. Powell being called in at this moment. Lord Holland and Lord Darnley expressed themselves of a contrary opinion.

The question being negatived without a division, the Lord-Chancellor stated that it was the pleasure of the house that Mr. Powell should not now be called to the bar.

Mr BROUGHAM intimated that when Mr. Powell did come to the bar, he should pursue his inquiry.

TWENTY-FOURTH WITNESS.

ALEXANDER OLIVIERA examined by Mr. Tyndall.—I have been in the service of the viceroy of Italy. I was colonel. I served in the campaign of Russia. I was a prisoner there. I returned in Feb. 1816. I was afterwards in the French army as colonel. I was first introduced to her royal highness the Princess of Wales in Dec. 1816, while she was at her Villa at Como. I was introduced to her by Baron Cavalletti. I recollect afterwards seeing her at Rome; in 1817, and remained there two months; I think it was the beginning of June. At that time I often visited her royal highness. I also was invited by her royal highness to Pesaro, in the month of Nov. I went there on the 11th to the Villa Caprini. I was asked to join her R. H.'s suite, as one attached to her court, without any particular employment. I continued so till the 4th Nov. in the following year. I then had the honour to be named her chamberlain. I was joint chamberlain with Bergami. I

remained in that situation till last February. At this time I do not receive any pension from her majesty. I am a married man, and have a daughter. My wife and daughter live at Rome. They were not, while I was in her royal highness's service, at Pesaro. I live with them when I am at Rome. I recollect her royal highness being at Rome at the beginning of August, 1817. She then set out for Senegaglia. I supped with her royal highness before she set out. She set out about midnight. I handed her royal highness into her carriage; it was an English chariot. Besides her royal highness, the countess Oldi, the chamberlain Bergami, and the little child called Victorine, went into this carriage. Mr. Vassali and Mr. Hownam were on this journey, I saw them in their carriage, and bowed to them. I have since travelled in the same carriage in which her royal highness travelled on that night. I know the carriage very well. Upon that occasion Carlo Forti rode as courier from Rome. During the time that I was joint chamberlain with Bergami, his conduct towards the princess was that of a respectful servant. I never saw anything improper or indecorous towards her royal highness. When her royal highness was at Rome, she was visited by persons of the first nobility: the same was the case at Pesaro. Her royal highness has sometimes done me the honour of taking my arm. The conduct of her royal highness towards the gentlemen of her suite was affable but at the same time dignified. Her royal highness after breakfast took an airing, and then returned to her library. She was generally attended on these occasions by all her suite. While at Pesaro her royal highness had society at her own house continually. While at Pesaro I never knew her royal highness to have a carriage with an apron to it.

Mr. TYNDALL here closed his examination in chief.

The witness underwent a long cross-examination by the Attorney-General, during which nothing material or at all affecting his testimony in chief was elicited. He quitted her royal highness's service at Rome in February last; he had been in England about two months; he came in company of the count Schiavini; he now lived in her majesty's house, but he did not form a part of her family. His ex-

penses had been paid by the advocate of her royal highness. The count Schiavini gave him his share, having received it from the advocate. No application was made to him to come here. He thought it his duty to write to the princess when he heard that charges were made against her, as he saw from the newspapers. He saw Bergami last at Rome, when he was in the service of her majesty, but he had not seen him since. He had received nothing beside his expenses. He had received £85 sterling. Besides Mr. Hownam and Vassali, Wm. Austin and Louis Bergami went on the journey to Senegaglia. Schiavini set out on the following day. I think two or three carriages accompanied her royal highness besides her own. He knew the courier Sacchi. He did not see him set out on that occasion. He would swear not to have seen him. He saw Carlo Forti set out, but no other. He set out together with the carriages of her royal highness. This was from the Villa Brandi. He did not recollect to have seen any English ladies visit her royal highness at Rome or Pesaro. Faustina, Bergami's sister, never dined with her royal highness; his mother sometimes did. I never saw Bergami's wife at Pesaro.

In re-examination by Mr. Tyndall, witness said he never saw his own wife at Pesaro. He did not know while her royal highness was at Rome that there were any English ladies of condition there. He did not know of any English families living at Pesaro. Witness withdrew, and the house adjourned at four o'clock.

SATURDAY, October 21.

The house met at ten, and Mr. Cooper, the clerk, immediately proceeded to call over the names of the peers. While engaged in this duty, a New Zealander, with his face tattooed, in the most fashionable style of his own country, appeared below the bar. The appearance of this singularly looking character excited the curiosity of peers and strangers to such a degree, that all other objects were forgotten; and it was not till the Lord Chancellor called back the attention of the peers to their clerk, that order was restored. The northern visitor was afterwards accommodated with a place in the box of Sir Thomas Tyrwhitt.

LIEUTENANT HOWNAM.

Lord LAUDERDALE moved, that Lieut. Hownam should be called upon to produce his diploma as Knight of St. Caroline, to which he alluded in his evidence.

Mr. BROUGHAM stated that Mr. Hownam had not yet arrived, but that he would be in attendance in the course of an hour.

In a few minutes, Mr. Brougham presented at the bar the diploma in question, which had been in the custody of Mr. Vizard. It was a piece of parchment, appended to a seal, with green silk strings.

At the suggestion of Earl LAUDERDALE, it was ordered that Mr. Hownam himself should present this document.

MR. POWELL.

The Marquis of LANSDOWN moved, that Mr. Powell should be called to the bar to deliver in the papers ordered by the house to be submitted to the secret committee.

Mr. Powell having appeared at the bar, he delivered in the papers accordingly, accompanied with a declaration, that the objection which he had made to the presenting these documents when before called for, did not arise from any feeling personal to himself.

The Marquis of LANSDOWN wished to ask Mr. Powell whether these papers contained all the house had required?

Lord LAUDERDALE said, that the secret committee had power to inquire into the fact.

The Marquis of LANSDOWN considered that it was competent to him to put this question.

Earl LIVERPOOL said that the order of the house had been peremptory, and it was to be presumed Mr. Powell had attended to that order.

Earl DARNLEY thought the house had a right to examine the witness, as he was at their bar.

Earl GREY said, there was no doubt of the right of the house; but as a certain duty had been deputed to their secret committee, he thought the right might be waved.

The Marquis of LANSDOWN then moved that Mr. Powell should be sworn, and that he should be directed to attend the house at its adjournment.

Mr. Powell was sworn accordingly,

and ordered to attend at the time mentioned.

TWENTY-SIXTH WITNESS.

TOMASO LAGO MAGGIORI was then called to the bar and examined by **Mr. WILDE**:—I live near the town of Como. I am a fisherman. I was employed as a boatman to her royal highness the Princess of Wales. I know Guiseppi Rugielli. He was a fisherman like myself. I have been in a boat at the same time with the princess and Bergami. I never saw either of those persons kiss the other. Her royal highness sat on the left of the boat. I sat in such a situation as to see her royal highness. The boat had lights in it. I sat in such a situation that if they had kissed I must have seen it.

Cross-examined by the **SOLICITOR-GENERAL**:—I have conducted her royal highness and Bergami from Como to her Villa several times; I cannot say precisely how many times; it might be more than twenty times. On the occasions when I so conducted her royal highness from Como to her Villa, there were generally ten boatmen; it was after the theatre was over that I was in the habit of conducting her royal highness to her Villa. It was at night. The part of the boat on which her royal highness sat was separated from that in which the boatmen sat. The boat was divided in the middle—on one side of the division the boatmen sat; on the other side her royal highness and Bergami. There were also some of the boatmen behind her royal highness and Bergami. The place in which her royal highness sat, was covered at the top, and had glasses at the sides. There was a curtain in front, and none behind, because there were glasses. There were glasses before as well as behind. For the most part, besides her royal highness and Bergami, there were a magistrate of Como and a musician with her royal highness and Bergami. Her royal highness and Bergami never went alone—the boat was always full of gentlemen; I will swear this. The magistrate and the musician lived at Como, and I cannot say they always accompanied her royal highness; but for the most part there were gentlemen in the boat. I came over to this country with 12 or 13 or 14 others. I do not know how many there were. I

saw count Vassali at Milan. He did not examine me as to the evidence I was to give. It was the advocate Codatzi that examined me at Milan. He wrote down what I said. I swore to the truth of it. Codatzi made me swear to the truth of it twice. I told a different story each time. I cannot say I was sworn three times, because I am in doubt. When I was sworn there was an English gentleman present. I do not know his name. He was present each time I was sworn. I was not paid any thing the first time I was sworn. I have received three francs of 26 Italian livres each. This was on my departure from Milan to come here. I received nothing before that, nor since. If they give me any thing more I will take it. My own will has brought me here. If they give me any thing I will accept it; if not I shall go without. I have a wife and children. One livre per day is paid to my wife, and half a livre a day to my children: I have four children. Two Napoleons a day were fixed for my expenses here. I received no money except the francs I have mentioned. Codatzi fixed that we were to have two Napoleons a day, but we have received nothing. When I saw Codatzi when the business was going on, I did not see a young man with one eye (the clerk who was examined on Tuesday, Pomarti). I live now five or six miles from London (Hammersmith). I have not been to see the house of her majesty. We all live in the same house, and dine and breakfast, and talk together. I have only seen Vassali there once.

Re-examined by **Mr. WILDE**:—We reckon 13 francs is a livre. There are six livres and a half of Milan to a Napoleon. The government of my country refused me a passport until an allowance was made to my family. It was ordered to be done by the government. The crew in the boat sat in the same part of the boat with me. Bergami for the most part sat on the right side of the boat. The princess sat on the left side. I mean by being sworn as I have already mentioned, that I have been sworn on the part of the princess, touching her conduct. What I did was this: I deposed to all those things that I was asked about—what I had seen and observed respecting the princess. When I first saw Codatzi, the advocate, I made a deposition of what I had observed when in

the princess's service. I neither kissed a book nor a cross. When I took the oath the advocate told me to swear the truth, and tell nothing but the truth.

Examined by the SOLICITOR-GENERAL, through the Lord Chancellor, after some discussion as to the propriety of the question, and the chancellor suggesting that the house would not be lectured by the learned solicitor. I did not take an oath before any tribunal in Milan.

Examined by the peers. Lord ELENBOROUGH.—The rowers in the boat stood with their faces towards the head of the boat. There were six rowers on that side of the boat towards the head of the boat. There were four rowers on the other side. I pulled the fourth oar coming from the head of the boat. That nearest the carriage. Ruggielli pulled the second oar from the stern, close to the carriage.

Lord LAUDERDALE.—I have no default in my sight, but two years ago I was ill. Upon all these occasions I sat in the same position when I rowed in the boat. I cannot say whether Ruggielli was in the boat rowing the princess from the theatre at any time that I was not there. To a question by Lord Catchcart—I could not see over the awning; it was so high. (The interpreter showed the height by holding his hand about a yard above the bar.) To a question by the Marquis of Buckingham—The Napoleons were about six livres and a half of our money. Here the examination of this witness closed.

The next witness was the Chevalier Carlo Vassalli; he has very much the appearance of a gentleman. He wears large mustachios, and has quite the air of a military man.

Examined by Mr. DENMAN.—I am a catholic, and a native of Milan. I speak a little English. I have now the honour of being equerry to the queen of England. I am a military man by profession. The last time I served in the army I held the rank of captain in the dragoons of the royal Italian guard. I first became acquainted with her royal highness the Princess of Wales, at Tourano, at the villa of general Pino: I had also the honour of seeing the princess at the house of general Pino, at Milan. I dined there with her royal highness, if I remember well, this was in the end of the

year 1816, or the beginning of 1817. I knew Bergami. He was at general Pino's the same time that I was there. Bergami dined with general Pino then. Her royal highness at that time invited me to accompany her on a journey from Milan to Turin. I accompanied her royal highness from Milan to Turin. I afterwards accompanied the princess in her tour to Germany. Before we set out, her royal highness employed me in her household. I left Milan performing the office of vice-equerry. I continued in her royal highness's service till she went to Capri. That was I think in 1818. I believe it was in that year, but I do not remember exactly the time of the year. I subsequently entered her royal highness's service, of a courier, and continued in that situation as far as St. Omer's. Bergami was in her royal highness's service at the time that I was in it. He was in the employment of a courier. He had also something to do in the household. He had the direction of the house. It was part of his duty, I believe, to hire the servants and to dismiss them. I have seen Bergami and the princess walking together at different times. I saw them sometimes walking alone; getting out from the garden under the portico. I saw them riding out together in a carriage, with others. I never saw them walking or riding together without attendance. When I said they were walking alone together, getting out from the garden under the portico, I did not mean by solo—alone, for I was at a little distance from them. Bergami was received at the tables of the families of distinction in the neighbourhood of Pesaro. I was with the princess at Munich. I remember when her royal highness and suite dined with the king of Bavaria. Bergami dined at the king's table. I saw civilities passing between the king of Bavaria and Bergami. He treated Bergami with the greatest affability. Bergami after this received a present from the king. It was a gold snuff box, surrounded with brilliants. The man who brought it to Milan, showed it to me beforehand. He afterwards told me he delivered it to Bergami. I saw it after this in the possession of Bergami. The initials M.J. are on it. These initials signify Maximilian Joseph. There was no crown on it. I was at the Verona with the princess when certain balls

were given. I believe they continued about six weeks. It was at the time of the Carnival these balls were given for the amusement of the suite of her royal highness. It would be difficult for me to say the precise number that attended them, but I should think about fifty. This number includes the princess's suite, as well as the company that came. I recollect the neighbouring gentry attended upon those occasions. The family of the tenant of the Barona was there. The father and mother came constantly with the children. I saw the prefect Thomasia there, and the baron Cavaletti, and also a clerical gentleman, the curate of the Barona. The princess frequently entertained company to dinner on these occasions. The families of the Prefect Thomasia and the baron Cavaletti were often there upon these occasions with their wives. I do not remember that their daughters were present. After dinner, in the evening, her royal highness and the company went into the place where the dance was. They remained for some time, and then went into an adjoining room to play. They played in this room at cards, chess, and sometimes they played on the piano. The princess occasionally joined in the dance. She danced sometimes. The conduct of the persons collected on these occasions was most regular. I never saw any thing indecent or improper in their conduct upon these occasions. I was at Carlsruhe with her royal highness. I remember we arrived there on the 25th of March, I believe in the year 1818. We arrived about noon. On the day of our arrival the princess dined at the Margravine's; Bergami and the countess Oldi also dined there. We supped on the same evening at the grand duke's. I remember her royal highness dined the second day at the grand duke's. Bergami and the countess of Oldi dined there upon that occasion. Bergami and the countess did not remain the whole of the afternoon. Bergami complained of a headache on the day we dined at the grand duke's, and his sister accompanied him to the inn, in the evening. Her royal highness did not go then. She remained with the grand duchess. I also remained, and came away with her royal highness late in the evening. After Bergami and the countess went home from the grand duke's, the company there amused themselves singing.

I sang with the grand duchess. On the next day her royal highness dined at the Margravine's—I was there also. In the evening we went to the theatre, and then to supper at the grand duke's. Her royal highness and suite were at the dinner and the play. On the fourth day we went to Baden. We dined at the inn there. From Baden to Carlsruhe is, I believe, about four hours ride. On the day after our arrival at Baden, her royal highness and suite dined at the Margravine's. We slept at Baden that night, and dined next day at the Margravine's. They passed the evening in amusement, in society.—We retired to the inn about ten o'clock. On the following day we dined at the grand duke's, and in the evening set out after taking a little refreshment at home. I recollect in the course of that journey going with Bergami from Inspruck to Charnitz about a passport. We set out about twelve at noon, and returned to Inspruck between two and three in the morning. On our return I went to her royal highness's room. She was then sitting on the bed, half lying.

How was her royal highness dressed upon that occasion—She was covered with a shawl.

Did any other person go into the room besides yourself?—Yes.

Who were they?—Bergami, then Schiavini, and afterwards the countess of Oldi, who came out of her own room.

Was the countess of Oldi's room adjoining to that of her royal Highness's?—It was.

Did you see the little Victorine that morning?—I did.

Where was she?—She was sitting on the bed with her royal highness, when I returned from Inspruck.

Was there any other person in the room, besides those whom you have mentioned!—M. De Mont was in the room also.

Was she dressed?—She was.

In the course of the morning after your return from Inspruck, did an officer call a few moments after your arrival?—There did.

Who spoke to him?—I spoke to him.

Did you afterwards, in the course of that morning, return frequently to her royal highness's room?—I did often.

For what purpose?—Just to give an account who arrived; then to see whether any thing was wanting; and

lastly, to give her royal highness an account of the weather, and that they were clearing the roads of the snow.

Were her royal highness's suite making preparations to set out for Charnitz that morning?—We remained up the whole night making preparations.

In the course of these preparations, did you see other of her royal highness's suite in her room?—Those I mentioned, and others of her suite, were there from time to time.

Were there beds enough for the whole suite?—There were straw beds.

Where were they placed?—Below stairs, and in the corridor.

The corridor into which the room of her royal highness's opened?—Yes.

Did you see any person lying on these straw beds in the corridor?—I saw no person lying there, for they got up when we arrived.

At what time did you set out from Charnitz; did the preparations for setting out last till daybreak?—The preparations did not last till that time, for we had engaged horses the day before.

While these preparations were going forward, did you frequently see Bergami?—Yes, frequently.

Did you upon that occasion see him addressed at any time?—I did not.

Where did you see him?—In different places. I saw him in the kitchen, on the stair-case, at the door, and at the room of her royal highness.

Do you remember having been at Trieste in the course of that tour?—I do.

How long did her royal highness remain at Trieste?—A day and a half.

From Trieste where did you go?—We went to Venice.

Were you ever at Rome with her royal highness?—Yes, frequently.

Do you remember the first time when she went from Rome to Senegaglia? I do: I accompanied her.

How long did the journey last?—About three days; I cannot say precisely.

Do you remember how her royal highness travelled?—I remember well, it was an English laudauet.

Who travelled with her royal highness?—The countess of Oldi, Bergami, and the little Victorine.

Do you remember who travelled upon that journey as courier?—I saw Carlo Forti on horseback, as courier.

Did you see Sacchi on horseback during that journey?—I did not.

State the circumstances under which Carlo Forti was hired—where was he first hired?—He began his service at Rome provisionally at Loretto to go to Rome with dispatches, as he knew Rome.

Was Sacchi a courier at Loretto?—He was.

Was he sent to Rome with any dispatches?—I do not know that he was sent to Rome with any dispatches.

Do you know any reason why he was not sent?—I believe they spared him because he was tired.

Bergami had not a padapenello (a sort of carriage), nor was there one belonging to any of the suite, except, I believe, that of Lewis Bergami. I never saw her royal highness the princess ride in any such vehicle. I remember the dance by the man named Mahomet. I have often seen him dance, and I believe her royal highness the princess sometimes saw him from the window, but there never was the smallest impropriety in any thing which Mahomet did with his dress. It was a simple dance, and nothing whatever in it indecent. At Pesaro the princess visited persons of quality, and was in the habit of receiving their visits. She received frequently the pope's legate at Pesaro, and the noble family of Gandolfi, besides the marquess of Andalgi, and other personages of rank. Bergami visited with all these families, not only when the princess went, but when he was not in attendance upon her royal highness. I have been with them many times when the princess was not there, as well as when she was. At Rome also the princess visited and was visited by the first families of distinction.

I wish to ask you whether, at any or all the times you have seen the princess and Bergami together, you ever witnessed the smallest impropriety from one to the other?—The witness, in a loud tone, and with great emphasis, exclaimed, "Never."

His remaining answers in his examination in chief, were—I have served in the army from the year 1805 to the year 1815, and wear the honour of the Order of the Iron Crown, which was presented to me on my return from the Russian campaign.

Cross-examined by the ATTORNEY-GENERAL.—My rank in the army was that of a simple soldier, in the 1st company of the guard of honour of the

vicerey of Italy. The first time I was in the company of her royal highness the princess, was at general Pino's country-house. It was after her royal highness's return from her long voyage, and I believe in the year 1817. I saw the princess also at the villa, and was invited to her parties at Turin, and at the Barona, by the princess herself. I first entered her service as sub-equerry, without a salary, and afterwards, when made an equerry, had an annual stipend of 300 louis. I did not quit her royal highness's service from that time, which was in 1817 or 1818, until I received a letter of dismissal at St. Omer's. I was absent on a former occasion, on leave, upon my own family affairs, for perhaps near a year, but I did not quit the service, for I rejoined afterwards by an order by letter. This letter was sent from the Villa Vittoria, at Pesaro, I think in 1819. I rejoined, and from that time I did not leave the princess until her arrival at St. Omer's. I most certainly accompanied her royal highness to Munich, and Bergami dined with the princess there; but how often I cannot tell. The first day we dined at the inn, the second day I believe with the king; the third day I cannot precisely tell; nor can I say where her royal highness dined every day, nor how she spent the fourth evening after her arrival at Munich. Some evenings were spent at the king's, some at prince Beauharnois's; but precisely I cannot say how the respective days were spent. Twice, I think, with the king, and twice at the same table with his majesty. They went from Munich to Nuremberg, and from thence I cannot say with certainty. On that tour, we were, I should suppose, about three months. From the 25th to the 30th of March, we were at Carlsruhe, or six days, including the days of arrival and departure. We set out from it, I remember, after dinner. The margravine's palace was nearer to the inn than that of the grand duke's. The dinner hour at Carlsruhe was about three o'clock and we sat at table about an hour and a half. The theatre began at half-past five o'clock; and the conversations, for which there was no fixed hour, but about seven or eight o'clock in general. The first day we dined at Carlsruhe was at the margravine's, and Bergami was there certainly on that day. The second day with the grand duke, and Bergami was there also: he dined every

day in the company of the princess at Carlsruhe. He (Bergami) was taken ill on the second day, when he went from the company to the inn with the countess of Oldi soon after dinner; he did not rejoin the party that evening till they returned home at seven or eight o'clock. The reason I cannot tell the particular places where I dined at Munich as well as at Carlsruhe, is merely because I recollect the one thing better than another. A man is often able to recollect the occurrences of one time better than another, and such is the case with me respecting what passed at these places.

When did you set out from Charnitz? — Early in the morning.

Was it broad day-light? — No, it was not: it was only day-break; but you could see plainly enough.

What were the preparations for the journey you alluded to, which carried you on that night backwards and forwards to the princess's room? — I went and so did the rest, backwards and forwards to tell the princess that the country people had executed the orders of the police in clearing away the snow to make the roads passable; sometimes I went to take her something to eat, sometimes to tranquilize her royal highness's mind respecting the clearing away of the snow, and sometimes to ask the princess if she wanted any thing.

Was Bergami lying down at rest, or where was he during this time? — He was, as I was, I believe, engaged in going up and down to give assistance.

Did not the servants take in the refreshments? — Yes, they did; but I also attended, for it was proper that a person of her royal highness's quality should have more attendance than such an inn afforded.

What was the distance of the journey you had taken that day between Charnitz and Inspruck? — I really do not know the distance exactly.

State about what the distance was? I can only recollect it was four or five hours journey.

How did Bergami and you travel that day from Charnitz to Inspruck? We travelled the first part in a sledge, and afterwards in a coach.

Then were you not fatigued after such a journey? — Not particularly so; I had travelled a great deal, but I cannot say that I was particularly fatigued.

Did you stop long in the day at Inspruck after your arrival there? — Not

longer, I think, than about an hour, merely to rectify the mistake about the passports.

Did you lie down to rest at Inspruck? No, I did not.

Then do you mean to swear, you took no rest on the night when you returned to where you left the princess, and before you started on the journey with her at day-break on the following morning? No, I did not.

Your fatigue then did not so overcome you as to make you require sleep? No: to a man accustomed, as I was, to the duty of campaigns, that fatigue was not too powerful.

Do you mean to swear then that you took no rest that night? I swear I took no rest then.

Do you mean also to swear that Bergami took no rest on that night? I did not see him take any. I did not believe he did.

And you mean positively to swear that you took no rest yourself on that night? I did not.

It was very hot weather going from Rome on that day. In the first carriage travelled her royal highness, the countess Oldi, Bergami, and Victorine; in the second Lieut. Hownam, De Mont, Brunelli, and Minelli; in the third Mr. Austin, myself, and the servant on the box; in the fourth carriage I believe there were servants. Louis Bergami was not on that journey, nor Canera, as I believe, but there was Solyman, and a Greek servant, and another whose name I do not recollect. I do not recollect a person being sent off from Cassini to order horses on the journey. I don't know precisely at what place we arrived on the third morning, but we arrived at Senegaglia on the 4th day. I don't remember precisely how long we stopped at Como, but I think it was about an hour or two. It was by day, but I cannot precisely remember the hour. I remember visiting a friend at Como. I did not send Forti before to apprize my friend of our coming; but I desired him, if he arrived before us, to tell my friends I was coming; but I believe we arrived a few minutes after him. I do not remember seeing Sacchi at Como. I will swear I do not remember seeing him there. I know a place called Carle. I remember calling there on our way to Senegaglia; we stopped there to take refreshments. I remember something was taken, but

I do not recollect whether hot or cold. I do not know what any body else took. I took something, but I don't know now whether hot or cold. I took it in the carriage. It was brought to me by a servant. I don't know what servant. I do not remember well at present, but I swear I do not know whether it was Sacchi or not. I repeat again, that I can swear he was not there. I remember Wm. Austin was there, but I do not remember Sacchi coming to speak to him. I will not swear that I did not see Sacchi in the course of the journey, but I will swear I do not remember having seen him. I will not venture to swear he was not there. But I do not remember to have seen him if he was there. The countess of Oldi during the whole of that journey always travelled in the same carriage with her royal highness. The time of the day we arrived there, if I am not mistaken, was before dinner, but I can't swear precisely; I don't remember at what time we reached Senegaglia, but it was three or four days after we left Rome. I know a person named Ratti, I was on that journey; he travelled on the box of one of the carriages in which the maid-servants were. I recollect several persons of rank visiting the princess at the Barona; Dr. Mochetti, and the curate of Barona; I don't remember precisely the names of any others. I remember there was dancing there. I danced with the rest. I know the daughters of Antigna, and saw some of them there; there were other rooms in the house beside the dancing room. Her royal highness sometimes danced with those persons. I know the wife of Bergami, she was never at any of those balls. I saw Bergami, for the last time, last month, coming from Barona. I saw him also at Milan and at the Villa d'Este. I was frequently with him at Milan and at general Pino's. I applied to many persons to come over here as witnesses for her majesty, and they offered to come of their own accord. I have not engaged to indemnify any of them; that was done by the agent Henry. I made no agreement; I only executed the agreement which was made by Mr. Henry, at his request. The agreement was to pay them ten livres per day each, for the support of their families during their absence, a franc per day for each of their wives, and half a franc for

each of their children; and this agreement was made because their passports would not have been signed otherwise. Mr. Henry said, that the laws of England would indemnify every person for any damage they might suffer. The agreement was on stamped paper, and the sum paid down for the witness, was 3000 Milan livres.

I now have no salary from her royal highness. I have a pension of about 200 louis a year, about 4000 or 5000 francs. The family of my father is at Milan. My wife is in London, at Sabloniere's hotel. I believe I shall be paid by the government for coming here as a witness for her majesty. I have not yet received any money. I have not even been paid for the journey. When I went to Milan, I took money with me. I do not travel without money. I received £100 from Mr. Coutts to go to Milan. The order to receive this money was given to me by her majesty. I did not take a letter of credit to Milan. I received money from Mr. Marietti at Milan, by the order of Mr. Henry; 52,000 livres of Milan. That is all I received at Milan. I received something at Venice—I believe 100 Napoleons. I went to Venice with the son of Mr. Wood, to acquire some knowledge to give respecting a person which it was necessary for me to know. Mr. Wood went with me from here to Milan; while in Italy I travelled with Mr. Wood, a courier, and my servant. While abroad I travelled also with Mr. Maoni. Nobody else, whom I remember. Besides Venice and Pesaro I travelled to Rome. I never went to Switzerland. From Rome I returned to Milan. I am a Milanese. I have some funds of my own, besides what I derive from the queen.

Examined by the peers:—By Earl LIVERPOOL.—I do not know that any person slept in her royal highness's room at Charnitz; as far as I know nobody slept there.

By Earl GREY.—Carlo Forti travelled with the suite of her royal highness from Milan to Loreto; and at Loreto he was dispatched as any other courier, who might have been accidentally engaged. He went from Loreto to Rome at the same time with her royal highness. On the second night of her majesty's residence at

Carlsruhe, she returned to the inn between seven and eight.

By Lord CALTHORPE.—When I returned from Inspruck to Charnitz, I went immediately to her royal highness's room. Bergami was with me. From the moment of our arrival at Charnitz, continual preparations were going on for the continuance of the journey. I saw only one bed in her royal highness's room at Charnitz. On my arrival at Charnitz from Inspruck, I had been without rest from noon till the next morning. I do not recollect any mattress on the floor of her royal highness's room. There was not one. I recollect Mahomet performing his dance at the Villa d'Este. I believe that the princess was at the window. I do not recollect any lady of distinction in my country being present at this dance. I do not know that that dance is known by any particular name. Mahomet was not among the servants that were dismissed by her royal highness at St. Omer's; he had been dismissed three years before.

By Lord CATHCART:—The queen of Bavaria dined at the table with the Princess of Wales at Munich.

By Earl LAUDERDALE.—I saw the countess of Oldi a fortnight ago, when I went to fetch her at Dover. I saw her first about three years ago. She is now in London. I do not know where Carlini is.

Questioned at the request of Mr. Brougham.—There was nothing in the dance of Mahomet, in my opinion, which any lady of distinction and character might not have witnessed. It was ridiculous, and no more. There was nothing improper or indecent in it.

When her royal highness returned the second night at Carlsruhe between 7 and 8, to the inn, I accompanied her. I accompanied her into the saloon. Bergami and his sister, and another person came to her. Bergami wore a uniform. I cannot remember how her royal highness was dressed. Bergami accompanied her royal highness to the margravine's.

Examined by Lord ROSEBERRY.—The princess remained in the saloon the whole time till she went to the margravine's.

The witness withdrew.

Mr. BROUGHAM now addressed their lordships on a subject, which he

considered of the greatest importance to the situation in which he was placed. He had now to submit to their lordships, that he found himself reduced to the necessity of recurring to the demand which he had made on the justice of their lordships at the outset of the proceeding in which they were at present engaged—he alluded to the defence of the queen. Their lordships would recollect that at the beginning of the defence they had alluded to the steps which they had taken in sending to Carlshue to procure from them the attendance of a person of great distinction as a witness on the part of the queen—a witness who, he would not hesitate to say, was not only of the highest, but of every importance to her majesty's case—a witness who was not only to negative the testimony of Kress, but who was to give the most decided answer to the whole principle of this bill. Her majesty had been described as a person given to low habits, as a person frequenting base company, and neglecting the society of her equals. The witness to whom he alluded would have given a flat contradiction to these calumnies. He would have proved that she frequented the courts of her own blood and relations, by whom herself and her suite had been received with every mark of distinction. He would have proved that she had actually taken steps to obtain a palace amidst these her serene relations, and that she was not skulking from that society of which she was calculated to be the life and ornament. If he had established this proof, he knew not, that he need have gone any further; indeed he anticipated that their lordships would have agreed with him in thinking that he had given a complete and decisive answer to this most extraordinary and disgraceful proceeding. He was still, however, deprived of this material witness, and he would state to their lordships the circumstances under which he had been withheld. He thought it right on the occasion to state that no blame whatever was imputable to his majesty's government. Every thing had been done on their part calculated to promote his views, but in vain. They had written to their minister at Carlshue, directing that he should make application to Mr. Burstead, the minister of the grand duke of Baden, for permission for the chamberlain of that illustrious person to come to this

country as a witness in behalf of the queen. In the application he succeeded, but all at once, notwithstanding the professed willingness of that individual, when first applied to by Mr. Leman to appear in behalf of her majesty, he declined coming, and urged as a reason, a most unexpected and extraordinary plea. He was, in fact, suddenly seized with illness, a fever, he believed, as if the fever of Rastelli had crossed the Alps; and declared from the effects of that indisposition, that he could not proceed to England. He again said, that the king's ministers had used their utmost endeavours to procure the attendance of this man; but as if acting under the influence of an opinion that he would best please some other person or persons by not coming, he had thought proper to stay away. The learned counsel then proceeded to say, that with this statement, he threw himself upon their lordship's indulgence. He trusted they would not now, for the first time, proceed upon so new and monstrous a principle, as that a person accused of nine or ten charges, having completely refuted seven or eight, and shewing how she had been prevented from making the same answer to the rest, should be considered as guilty. If this were the principle upon which the house was prepared to act, it would be the first time since justice was known, that a person situated as the queen was, should be held guilty till she could prove herself innocent.

The Earl of LIVERPOOL concurred in what had been stated by the learned counsel at the bar, that in this case his majesty's government had done all in their power to procure the attendance of the witness described. He was now about to lay upon the table of the house the papers relating to the important statement which their lordships had just heard, and which he had felt it his duty to communicate to the counsel for the queen, the moment they had been received. They were only received on the day before, and in a few hours would be printed for their lordship's use.

His lordship then laid the papers on the table, and they were ordered to be printed.

The ATTORNEY-GENERAL asked Mr. Brougham whether he meant to call any more witnesses?

Mr. BROUGHAM said, that in the

peculiar situation in which he was now placed, he felt it his duty to take time till Monday, to consider the course he should adopt.

Adjourned.

MONDAY, October 23.

REPORT OF THE SECRET COMMITTEE.

The Earl of HARROWBY, with the other members of the committee who were appointed to investigate the papers which were delivered in on Saturday last, and also to examine Mr. Powell as to points connected with them, now entered the house, when the noble earl delivered in their report, which was immediately read by the junior clerk of the house. It stated, in effect, that the lords to whom it had been referred to inspect and verify certain sealed papers, and also to examine John Allan Powell, Esq. touching the same, had agreed in their report. The committee then proceeded to verify the same, and also to compare the extracts of letters with the originals, which extended from before the 14th September till after the period that Rastelli was to have returned back. It appeared from the letters of colonel Brown, that an excessive alarm had arisen at Milan by reports, not only of the maltreatment, but even the murder of the witnesses who had repaired to this country as witnesses for the bill; and it was strongly urged by colonel Brown, in letters of the 10th, 18th, and 24th of July last, and again on the 14th of August last, that the alarm of the relations of the witnesses had much increased in consequence of no letters having been received by them. After this similar reports were received from colonel Brown, who stated, that it was necessary to send back one of the witnesses as a courier, if it could be done in no other way, for that it was reported and believed by their families, that Rastelli had lost an eye, occasioned by his reception on landing here; and also that Sacchi had been murdered; and the terror these reports had produced was so extreme, as to deter other witnesses from coming over. The committee had confined their inquiry to this point respecting Mr. Powell's sending Rastelli to Milan, and conceived they had no right to produce such papers as might affect, in other points, the important inquiry now before the house.

Extracts from these papers were sub-

joined to the report. These extracts came under two heads:—

1st. Extracts of letters from colonel Brown to Mr. Powell previous to the 14th September, when Rastelli was dispatched back to Milan.

2nd. Extracts from colonel Brown's letters to Mr. Powell: and from Mr. Powell's answers to colonel Brown since that period.

Under the first head, as early as the 10th July, colonel Brown had written to Mr. Powell, that reports were prevalent in Milan of the maltreatment of the foreign witnesses. His letters of the 18th and 24th of July, and also as late as the 4th August, repeated the same reports, which, he stated, had acquired strength from the circumstance of none of the relations having received any letters, and concluding by expressing his hopes that letters would be speedily transmitted. Five letters, written by colonel Brown to Mr. Powell in the month of September, mention the prevalence of similar reports. In those letters it was stated by the colonel that reports were in circulation that Rastelli had himself been ill-treated and lost an eye, and that Sacchi had been murdered. The terror which had prevailed was so extreme, that it had the effect of deterring several witnesses from coming to England, who had before expressed their willingness to come.

The committee stated to the house, that, under this head, they had confined themselves to general statements, as the extracts themselves were mixed up with matter that could not be received in evidence, as they conceived they had no right to countenance the production of papers which would affect the important inquiry before the house.

The same reason did not apply to the second head, and therefore the committee had subjoined to their report the extracts.

In the extract of a letter, dated 13th September, from Mr. Powell to Col. Brown (of which Rastelli was the bearer), that letter stated that he had returned Rastelli to colonel Brown, as he might be of use to him; but he was to send him back with all the witnesses and documents in time to arrive here by the 3d. of October. It also stated that Mr. Powell was conscious of the difficulties which colonel Brown had to encounter in consequence of the reports of the intolerant treatment of the

witnesses, and he relied on his exertions to get over them. In colonel Brown's letter to Mr. Powell, dated 20th September he states that just as he was going to dispatch the courier, Rastelli arrived, and declared himself heartily sick of the manner in which the witnesses were confined in England; and a subsequent letter stated that Rastelli was sick in bed. Mr. P.'s letter to colonel Brown of 2d October, expressed his sorrow at Rastelli's unwillingness to return, and it requires the colonel to send him back, he having received the commands of the Attorney General to that effect, whether the papers entrusted to Rastelli were verified or not. Another letter from colonel Brown to Mr. Powell, dated October 3d, mentions that Rastelli was seriously ill of a fever, which he attributed to his vomiting of blood in his passage over. A letter, dated October 4th, stated that Rastelli was ill of the jaundice, that he dreaded the thoughts of going by sea, and could not, without imminent danger, be engaged to travel in less than three weeks.

The Earl of HARROWBY then moved that the report should be printed for the use of the house, which motion was agreed to.

DE MONT.

Mr. BROUGHAM expressed a desire that this witness should be recalled.

The SOLICITOR-GENERAL said, that Mr. Maule had understood from Mr. Vizard that this witness would not be wanted till 12 o'clock, and directions had been given that she should be sent for.

GAZZETTE DE TRIESTE.

Mr. BROUGHAM now begged to offer to the house a piece of evidence which, in an ordinary trial he would not have submitted. Their lordships would recollect, that the preamble of this bill had charged her majesty, during her residence abroad, with conduct of the most degrading and debasing character, calculated to produce scandal to her own family and to this nation—as evidence to negative this assertion, he had now to produce the Austrian Gazette, published at Trieste, in which her majesty was represented as having arrived in that town on the 15th of April, and as having been received and treated as a person of splendid rank. This was followed by a notification of her departure on the succeeding day the 16th, at five in the

afternoon, accompanied with the same demonstrations of respect. This statement he apprehended would go materially to contradict the charges in the preamble of the bill. It also confirmed the statement of her having entered Trieste on the one day and quitted it on the next, contrary to the statement of Cuchi, who said she had remained there several days.

The ATTORNEY-GENERAL said that it was impossible his learned friend could contend that this was legal evidence.

The SOLICITOR-GENERAL said, that his learned friend knew this document could not be received in evidence, and produced it only for the purpose of making a statement of the time of her majesty's arrival and departure from Trieste.

Mr. BROUGHAM admitted that it could not be legal evidence in an ordinary court of law; but their lordships would perceive that they were in no respect acting upon the rules of an ordinary court of justice. He had no opportunity of challenging a jury, which in an ordinary court of justice would be afforded him. He could not challenge all those persons who had acted upon the grand jury from subsequently sitting in judgment on this case, nor could he object to the prosecutors from voting in support of their own charges. These were anomalies against his illustrious client, which he thought ought to induce the house to admit an anomaly in her favour.

The question was then put as to the admission of the evidence offered, and it was rejected *semine dissentiente*.

MR. HOWNAM'S DIPLOMA.

Earl LAUDERDALE moved that Mr. Hownam should appear at the bar, and deliver in his diploma as knight of St. Caroline, to which allusion was made on Saturday.

Mr. Hownam immediately came to the bar, and delivered in the diploma, which, he said, was under the seal of the order. The marchese Spinetti then read the diploma.

This instrument was dated at Jerusalem the 19th of July, 1816, and expressed it was issued by her royal highness as institutor of the order of St. Caroline, and granted to the chevalier Hownam, in compensation for his fidelity in attending her.

The chief body of the instrument ran thus:

"That her royal highness had created and constituted a new order to recompense the faithful knights who had the honor of accompanying her royal highness on her pilgrimage to the holy land

"1st. This order shall be given and awarded to those only who have accompanied her royal highness to Jerusalem, with the exception of the professor Mochetti, who could not, being prevented by accident, accompany her royal highness.

"2. That Colonel Bartolomeo Bergami, baron of Franchino, knight of Malta, and also of the holy sepulchre of Jerusalem, and equerry of her royal highness, the grand master of this order, and his children, male and female, may succeed him, and shall have the honor to wear this order from generation to generation and end to end.

"3. The same advantage of wearing this Order is granted to the Knight of the Holy Sepulchre, Mr. William Austin, and to his legitimate children, who shall for ever enjoy the same.

"4. To Mr. Joseph Hownam, Captain in the Royal English Navy, and Knight of the Holy Sepulchre, and in the suite of her Royal Highness, it is also granted to him to enjoy the same Order, as a personal favor to him."

Here the interpreter said he believed that he had not expressed the literal meaning of the instrument, for it was thus:—

"This honor shall be personal for you, Mr. Joseph Hownam, Captain in the British Navy, and Knight in the suite of her Royal Highness, to wear this honor during your life; the Cross and Patent to be returned at your death to the Grand Master."

"5. The Grand Master to wear the Cross of the Order round his neck, suspended from a gold chain; but the other Knights to suspend the insignia from the button-hole of the coat."

"6. The abovementioned Order to consist of a red Cross, with the motto, '*Honi soit qui mal y pense*,' to be worn with a riband of lilac and silver, and to be called by the name of the Order of St. Caroline of Jerusalem."

(Signed) "CAROLINE, P.W.
(Undersigned) "Col. B. BERGAMI.
&c. &c. &c."

Directed to Joseph Hownam, Knight, in the suite of her Royal Highness the Princess of Wales, No. 15.

The interpreter having finished the reading of the document.

The Duke of SOMERSET expressed a wish that lieutenant Hownam should be called back, for the purpose of being examined again with respect to the tent scene on board the polacca.

Earl GREY suggested that the best time for him would be after the defence had closed.

Lord HOLLAND wished to know whether the expenses of this proceeding were to be all placed under the head of secret service, and to be defrayed out of that fund.

The Earl of LIVERPOOL said, that as long as the investigation continued strictly a secret one, the expenses were to be defrayed from the secret service. When it took a public character, the expenses were to be provided from some other fund.

Earl DARNLEY wished to know whether all the expenses hitherto incurred, both by the Milan commission, and the witnesses for the prosecution, were included in the paper laid upon the table.

The Earl of LIVERPOOL said, all the expenses, except that of messengers, were included under the two heads of the Milan commission, and witnesses. The expense incurred by messengers belonged to the crown office.

Here there was a pause of some moments.

Mr. DENMAN said, their only object in calling back the witness De Mont, was to examine her as to certain declarations, which, if she admitted, they were to have the benefit of them. If she denied any such declarations, they were prepared to prove that she had uttered them.

The LORD CHANCELLOR thought this mode of proceeding was within the scope of the rule before laid down by their lordships. The rule was this—that after the examination in chief, the cross-examination, and the re-examination, if counsel wished to put any further questions to a witness, it must be done by suggesting the question to the house. Their lordships might however, allow the question to be answered immediately after they were suggested by counsel, to be entered however on the minutes as the examination of their lordships.

Mademoiselle De Mont now appeared at the bar.

Examined by Mr. WILLIAMS.—A

I am acquainted with a person named Franchese Martini (short), not Martini (long).

[The nicety of this distinction made by the witness excited a laugh.]

I know a place called Mauge, in Switzerland. I have seen Madame Martini several times, but I do not recollect having seen her in April, 1818, or any part of that year. I cannot recollect having sent for her to alter a bonnet at Mauge, for I do not reside at Mauge. I may have seen her on the subject of a bonnet in that year, but I do not recollect it. I know Madame Martini, but I do not recollect having seen her in that year, or having had any conversation with her about the Princess of Wales. I saw her after I left the service of the Princess of Wales, but I do not recollect any conversation about her royal highness. It may be, but I do not recollect it. I do not recollect that Madame Martini spoke to me on the subject of my journey. I may have had such conversation, but I do not recollect it. I do not recollect Madame Martini having spoken to me on the subject of the Princess of Wales's conduct. I do not recollect having spoken to her about the princess, or the persons who surrounded the princess. I do not recollect having had any conversation with her about the character of the Princess of Wales; I remember her having mended a bonnet for me several times at Mauge; I do not remember Madame Martini putting the question—whether the Princess of Wales was not a woman of intrigue. I do not at all remember any conversation with her on the subject. I do not mean to swear that she did not put the question, but I do not at all recollect it. I will not say she did not put the question. I do not recollect that she put it. I have not the least idea of it. I do not recollect having been angry with Madame Martini on the subject of the princess. I do not recollect this conversation. I have not the least idea of it. I do not recollect having told her that all that was said of the princess was calumny, and that her enemies circulated these reports against her. I recollect nothing like it. I will not swear I did not say so: it may be; I have not the least idea of it. Before I was put upon my oath, I said nothing about what passed in the house of her royal highness. I will not swear that I did not use this language, but I have not the least idea

of it. I never could have said to Madame Martini that the princess was surrounded by spies since she left England, for I never saw any spy. I will not swear that I did not say so; but I do not recollect it. Though I said that I never could have mentioned this, as I knew no spy, I will not swear that I did not say so; but I recollect no such conversation. I have no idea of it. I do believe I never said so to Madame Martini. I will not swear it; but I do not think I said so. I do not recollect having said to Madame Martini that the princess was very unfortunate; I do not recollect this conversation at all; I do not recollect having said to this woman that the most simple actions of the princess's life were always misinterpreted. I do not recollect the conversation at all. I will not swear that this conversation, or no part of it passed in the year 1818, but I do not recollect it. I remember being on a visit at Madame Jeeroix's, at Mauge. I was on a visit there several times. I was there in the year 1818; I was there several times after quitting the service of the princess. I might have had a bonnet altered by Madame Martini while I was on this visit in 1818; but I do not recollect it. I had several bonnets altered by her, but I do not recollect one being altered in 1818. I do not remember having told Madame Martini that I was always near the person of the princess, I do not recollect Madame Martini having said to me that as I was always about the person of the princess I must have observed all her actions. I will not swear that she did not say so, but I do not recollect this conversation. It may be, but I have not the least idea of it.

In consequence of an observation from Lord Lauderdale, the Lord Chancellor directed the interpreter always to put the question in the exact words in which it was proposed.

I do not recollect that Madame Martini enquired particularly of me whether there was any thing uncaste in the conduct of the princess. I do not at all recollect having had this conversation. I will not swear it did not take place, but I do not recollect it. I do not recollect having said to Madame Martini that it was impossible any person could be more pure than the princess. I cannot swear that I had not this conversation; but I do not recollect it. I do not recollect, in answer to my question put by Madame

Martini, having used these precise expressions, or any thing to that effect. I do not remember such a question; and if the question was asked, I do not think I made such an answer.

The LORD-CHANCELLOR desired that the questions, in future, should be put to this witness through the house. If the examination was to be inserted in the minutes as the examination of their lordships, it was fit that the questions should be put in a proper manner.

The questions were then put through the Lord Chancellor.

I have not the least idea of having said that the old king was the only friend her royal highness had. I will not swear I did not say so; but I do not believe I did say so. I was several times at Mauge. I might have been there in the months of Nov. 1818. I may have been there in that month; I do not exactly recollect. I was there in the end of November, or the beginning of December. I have not the least idea of Madame Martini having asked me if her royal highness was much afflicted at the death of her daughter the Princess Charlotte. I will not swear that Madame Martini did not put that question. I cannot swear it, but I have not the least idea of it. I have not the least idea of having said it was no wonder her royal highness should be much afflicted, as she lost all she had by the death of the Princess Charlotte. I do not believe any such conversation took place. I have not the least idea of having said to Madame Martini that it was possible the Princess of Wales would make some diminution in the expenses of her household after the death of the Princess Charlotte. I assure you I do not recollect any such conversation at all. I will not positively swear it did not take place, but I have not the least idea of it.

When was it you first made any deposition in this cause?

The LORD-CHANCELLOR.—Has the witness said any thing about a deposition in the course of this day's examination.

Mr. WILLIAMS; Yes, my Lord.

Mr. BROUGHAM submitted that the question might be put, even though the witness had not said any thing as to a deposition since she was last brought to the bar.

After a few observations from the LORD-CHANCELLOR the question was withdrawn.

The former questions and answers were then read over to her, and she in answer said, she adhered to them.

Re-examined by the SOLICITOR-GENERAL.—Before I was examined here I was examined at Milan, and had said nothing about her royal highness. I meant by saying I never spoke of her till I was sworn, that I said nothing previously of the conduct of the princess and heron Bergami.

The SOLICITOR-GENERAL. May I ask this witness, my lord, about the journey with Bergami.

The LORD-CHANCELLOR said, that it could not be made to arise out of this last examination.

By the Earl of LAUDERDALE.—When the occurrences of which you speak took place at Pesaro, was the account of the Princess Charlotte's death known?

The witness replied in the negative.

Madame De Mont was here ordered to withdraw.

Mr. BROUGHAM then said, that he was desirous that De Mont should be recalled, and kept at the bar during the examination of the witness whom he was about to call, and with whom he wished to confront her.

The LORD-CHANCELLOR said, the regular course would be to examine the new witness, and first lay a ground of contradiction, before the witnesses were confronted.

TWENTY-EIGHTH WITNESS.

FRANCHETTI MARTINI was then called in, and examined by Mr. Williams.

I am the wife of Henry Martini, of Mauge, where I keep a milliner's shop. I know Louisa De Mont these many years, ever since she was quite young, about 16 years, and learning to work; and a good while before she entered the service of the princess. I remember seeing her in the year 1818, in the month of April, when she was in the country house of Madame Jecroix, where I was called to do some work. Before that time I had read the journal of De Mont, and had conversed with her about the Princess; and in answer to some questions of mine respecting the conduct of her R. H. she told me she knew nothing against the princess.

Here an argument took place between counsel respecting what Madame De Mont had said and the Solicitor-General stated that she had merely said she never spoke of the princess.

conduct with Bergami until she was examined at Milan.

After a conversation among the peers, it was decided that the examination of the witness should be continued. Her examination was accordingly resumed by Mr. Williams, and she said, "I then observed to Madame De Mont that the princess was spoken of a libertine, as a *gallante*; and I said so, it being frankly my opinion, from what was said, Madame De Mont's answer to me was—"it is nothing but calumny—all calumny, invented by her enemies in order to ruin her," and she said every thing that was good of the princess. She also told me, that ever since the princess had left England she was surrounded by spies, that her best actions were misinterpreted, but that she did nothing that all the world might not see and know. She said, she had never observed any thing wrong about the princess, than whom it was impossible, to her (De Mont's) knowledge, for any body to be more virtuous. She also said, that the old king was the only prop or support of the princess. Witness, in conclusion, said that she had known Madame De Mont for several years.

Cross-examined by the SOLICITOR GENERAL.—I remember this conversation occurring in 1818; because by reference to my books, I found that it was in April of that year, Madame De Mont had had her hat or bonnet done at my place, and that was about the time we had the conversation. I deny that my husband was embarrassed in that year; neither he nor I were ever bankrupts. Columbia, where De Mont lives, is but a short league from Mauge, where I have seen her several times, but only to converse with her on this affair once, and that was the time I have already stated. I don't recollect having seen Madame De Mont in 1817.

I did not see her immediately before April, 1817: she was then in the neighbourhood. After quitting the service of the princess, I saw her in April, 1817, when I did that work for her. De Mont came several times to my warehouse at Mauge. An acquaintance originated in that. I do not recollect the time De Mont came to Mauge first, but she was learning to do needle work at the house of the Demoiselles Regard; she might be then about 15 or 16 years of age, but I cannot tell if it be five or six or ten

years ago. It was when I made that work for her about the hat or the bonnet. I cannot swear it was not more than three years. The Demoiselles Regard can be written to, and they will tell that. The two sisters, Jecroix, were present when I had the conversation with De Mont; one of them is now at Lys, the other at a country house near Mauge. The conversation happened at the house of the Jecroix, where De Mont was then on a visit. The Jecroix must have heard a great part of it, but they were going in and out, and may have lost some particulars. They found fault with me for making the observations I had made upon De Mont.

Cross-examined by the SOLICITOR GENERAL: I was first examined on the subject of this conversation about a fortnight ago, by two English gentlemen; the name of one is Johnson (Vyson); they are English names, and I do not recollect them. My examination was taken in writing, but the copy of it was left me, but I did not keep it, nor put down any memorandum of it in writing. Mr. Barry came here with me and my husband, as I never travel on a public road without him. The English gentlemen told me we should be indemnified in all just and fair expenses by the government of the country, as I came over to be a witness. No sum was mentioned to me for coming, and, as I did not know these gentlemen, I would not trust them, because, two years ago, an Englishman of the name of Addison occasioned me a loss of 50 louis. After this, they deposited £100. at Meurat's bank as a security for the performance of their promise, and they have a receipt for it. This £100. is not to be paid to me; it was only placed in the bank as a security for their promise; they did not promise me £100., but only what is just and fair. This is only a guarantee, as they said they did not wish to buy up witnesses. I will swear nobody made me any promise of money—never. I swear the exact truth. I received £70. on account, for which I gave a receipt, as I have a suit depending at home which may be decided against me if I am not returned on the 24th of next month; and not knowing how long I should have to remain here, I would not leave my affairs without something to depend on. The gentlemen paid my expenses. I travelled

post, because it is only this day week I left Geneva at four in the afternoon. I do not expect any fixed sum besides the £70.; my dependence is on what the government will do. We have left our affairs in the hands of strangers, and we have a person we placed there in my room; and there are three young women in my shop to do for. I have had no fixed promise; these gentlemen said nothing to me about it.

To a question where do you live now, she answered, "My God! we arrived here last midnight. Last night I was placed somewhere, and here I am to day" (laughter).

Re-examined by Mr. WILLIAMS. I often saw De Mont before she went into the service of her royal highness, and after at the house of Jecroix, where this conversation took place about eight days before I sent her the work I had to do for her.

The witness was asked if she had any conversation with the Demoiselles Jecroix on the subject of what De Mont said, which was objected to, and not persevered in by Mr. Brougham.

A chair was here offered to the witness, who observed, on seating herself, "Ah, mon Dieu, que je suis bien fatiguée."

By Lord DARLINGTON:—De Mont is not at all acquainted with my husband.

By Lord HARROWBY.—I asked De Mont how the princess was afflicted on hearing the news of the death of the Princess Charlotte. De Mont told me the princess was extremely afflicted; that she had then lost all she had most dear to her.

A peer asked her, if, from her knowledge of De Mont, she would believe her, which was objected to by the Solicitor-General.

By Lord LAUDERDALE.—I do not know if De Mont said, she was with the princess when the news arrived of the death of the Princess Charlotte, but I asked her if she would return to the service of the princess, to which she said—Yes. She told me she was then on leave of absence, because the suite of the princess was in mourning. She did not say if she was present when the news of the death of the Princess Charlotte arrived.

Mr. BROUGHAM said, in reference to a statement which yesterday appeared from the Baron d'Ende, and without meaning to impute any fault

to the government of this country in the case, he wished to recall Mr. Leman, in order to explain some discrepancies that appeared between the statement and Mr. Leman's testimony.

The SOLICITOR-GENERAL objected to this, on the ground that he was always in court.

Mr. BROUGHAM said, he was one of those persons expressly alluded to in the house as clerk of the agent.

Mr. LEMAN, clerk to Mr. Vizard, was then called to the bar, and examined by Mr. TYNDALL.—I arrived at Carlsruhe on the 13th or 14th of September; I was told the baron d'Ende was then there. He was not; but I was told he would return on Sunday, the 17th. On this I set out for Baden, and on my way I met a gentleman's carriage: thinking he might be returning, I stopped, and asked if the carriage belonged to the baron d'Ende, and found it was. In consequence of this, I handed him the letter of her majesty, addressed to the baron d'Ende, as chamberlain of the grand duke of Baden. I spoke to him, and asked him if I had the honor of addressing the baron d'Ende, to which he answered yes. He opened the letter, read it, and took me into his carriage, and we went back to Carlsruhe to his house. I have not the slightest doubt I was with the baron. The baron said he had business which would then detain him till Tuesday, that his minutes were at Baden, and that he could not answer the question I proposed to him without first consulting those minutes. I next went to Darmstadt, and saw the baron for the first time at Baden, when he consulted his diary, and I took down his deposition in writing. He showed me several letters he had received from her majesty. Before I left the baron d'Ende, he said, as the information he was to give was of an official character, his friends thought he could not give it without the consent of the grand duke. The grand duke was not then at Baden. I was told he would not return till about the 20th.

Mr. TYNDALL wished to ask the witness what Baron d'Ende said about the grand duke's return, which was objected to by the Solicitor-General.

Lord LIVERPOOL thought the question might be asked, considering the papers which were then laid on their lordship's table. The question

was then asked, and the witness answered, the baron d'Ende said he could not return till the 20th. After which time he would go and endeavour to obtain permission to come to England. He went to do so on the 23rd of September, he had a letter from her majesty in his hand, and said he was going to the palace to ask for permission. I went to the door and saw him go towards the palace. In about half an hour after I saw him again. I went out to the street to speak to him, when he addressed me and said, "I am sorry I have bad news for you; I am not permitted to go." He afterwards took me to his house; he appeared greatly agitated; caught hold of my hand and put it to his heart, and said, "feel how it beats?" I made another application to the Baron, and fearing when I called he might be out, left a letter for him, of which I have a copy.

Several peers: Read, read.

The ATTORNEY-GENERAL: As their lordships wished, he would not object.

The witness resumed.—I received an answer to the application by a friend of the baron's, a lieutenant in the life guards of the grand duke; it was verbal, and to the effect, that he could not make the deposition without the consent of the grand duke, and declined making any written answer to the letter of her majesty.

Lord LIVERPOOL put a question to the witness as to his belief of the importance of the testimony of the baron, which was objected to by the Marquis of Lausdown; and after a few words from Mr. Brougham, who said he could swear to its importance, and wished the agent in the cause, Mr. Vizard, to be called to establish it, was withdrawn.

CLOSE OF THE QUEEN'S CASE.

Mr. BROUGHAM now addressed their lordships, and observed that he had now given them sufficient instances of the great and insuperable difficulties which were thrown in the way of her majesty, in the further prosecution of her defence. He had shown to their lordships that the same degree of justice had not been dealt out to both the parties in this case. He had shown that when on the one hand, the witness Kress had been actually compelled by a threat of force, and by this

very baron Berstett, to come to this country as a witness against the queen; on the other, the baron d'Ende, when asked to come as a witness for the queen, had been left entirely to his own discretion. It was true that he had received his "*conge*," but this was an ominous term—sufficiently strong to strike any man to the heart, but especially the poor chamberlain—(hear, hear). It was in fact tantamount to saying, "you may go; but never let us see your face again." It was neither more nor less than, if he did go, giving him to understand that he had received his dismissal. He believed that the baron was indeed ill at such a prospect, and he blamed him not for taking the hint in the light in which it was meant. He felt it his duty, however, seriously and solemnly, to call upon their lordships to consider all these circumstances as of no light or trivial importance—to reflect upon the influence which had been used by the Baron Raden, and Baron Grimm, to enforce the attendance of witnesses against the queen, while the very opposite course was taken where a single individual was to be obtained in her favour. He would ask them, whether it did not now appear that there was an utter impossibility of continuing this case with justice to the queen; "and," continued the learned counsel, "I am sure the other party in this case, if his majesty be that party—that this august monarch will be the last man in his dominions that would desire it to be continued, if it cannot be continued with justice to his royal consort.

The appeal of Mr. Brougham seemed to have a powerful effect on the house.

Lord HOLLAND now called the attention of the house, and the counsel were ordered to withdraw. The noble baron desired that the evidence of Kress, page 192, might be read. It was read accordingly, and amounted to this: "I was asked to come here by the minister at Carlsruhe, the baron Berstett; also by the baron de Grimm, the minister of the court of Wirtemberg, and by the baron Raden, the ambassador of the court of Hanover. The noble baron next referred to the minutes at page 102, where Kress deposed "That baron Berstett told her, if she did not go voluntarily she should be forced."

The noble Baron lastly desired, that

the letter of Baron Berstett to Mr. Lamb should be read.

In fine, his lordship said that it was not his intention to remark on this; but he could not reconcile it to his duty in this stage of the proceeding, if he had not drawn their lordship's attention most formally and solemnly to the parts of the evidence which they had heard, and to the Baron Berstett's letter.

THE LORD CHANCELLOR: Call in the counsel.

The counsel having appeared at the bar, the Lord Chancellor asked Mr. Brougham whether he had any further witnesses to call?

Mr. BROUGHAM said, that with the recollection of what had passed on a former occasion, as well as to the observations which he had recently made, he felt impossible to proceed further with this case.

THE LORD CHANCELLOR: Do you call any witnesses on the other side?

THE ATTORNEY GENERAL said, he wished to call witnesses to contradict some of the testimony offered in the defence if the house so permitted.

THE LORD CHANCELLOR said, that he was entitled to call such witnesses as were consistent with the principles of law.

THE ATTORNEY GENERAL said, that undoubtedly he should do so. He then proceeded to remark, that as charges had been against col. Brown by the witnesses on the other side, he was most anxious that colonel Brown should be present to rebut those charges. He was taken entirely by surprise as to the intention of bringing those charges, or he would have sent for col. Brown at an earlier period. He had now, however, sent for him, and he had to appeal to their lordship's justice to permit such a delay as would enable him to have the attendance of that individual. He had other witnesses to other facts in attendance, but he thought it was better to state his object now rather than when he had gone into a part of his case in reply.

Mr. BROUGHAM (in a tone of high indignation,) "I now ask your lordships whether this is a court of justice!"

THE SOLICITOR-GENERAL then begged permission before Mr. Prougham replied to his learned friend, to offer a few observations. He desired to state that it was the opinion of all the counsel engaged in support of this bill, that

colonel Brown should be called to rebut the charges which had been so unexpectedly brought against him. He then proceeded to argue in support of the application of the Attorney-General.

Mr. BROUGHAM said, that nothing had fallen from his learned friend who had last spoken, which could induce him to depart from the question which he had asked their lordships, namely, "Whether he was now to be told that this was a Court of Justice?" Whatever suited the purposes of his learned friends, or the purposes of the prosecution, was at once demanded, while he was bound down by the forms of the courts of law below, and by innumerable technicalities. In addition to the foul conspiracies and the gross perjuries by which his illustrious client had been assailed; he was now to be told, no doubt, in order to afford an opportunity for bringing further witnesses in support of this bill, that their lordships were now acting in their legislative capacity, and were no longer to be guided or bound by the rules of a judicial proceeding. In the beginning they were told they were to be considered as acting in a judicial capacity, but now they were no longer a court of justice, but were to employ their discretion as a house of Parliament. He would ask, whether such a demand had now been made, as had ever been proposed since justice had been administered in this land, since proceedings of this nature had been conducted with fairness between parties? He would ask, whether any thing so monstrous had ever been attempted as the object that was now attempted to be obtained? What was now asked? The queen was on her defence. Colonel Brown was not upon his trial; but because his name had been mentioned, and his conduct had been called in question—the queen was to be forgotten—the queen was to be injured—the queen was to be trampled upon, in order that colonel Brown, he knew not of what hussars, but actively engaged in this abominable Milan Commission, should have an opportunity of defending his acts! Was ever such a proposition heard of—was it in the most remote degree consistent with those rules and forms which from time immemorial had been observed in the fair and honest administration of justice? Could a more audacious attempt, he would not say on the part of his learned friend, but on the part of the

agents and promoters of this bill, have been imagined? Again, he said, that colonel Brown was no party in this case, and he trusted their lordships, if a particle of power and justice were still among them, they would not suffer so monstrous a proposition to succeed. He denied that the Attorney-General had been taken by surprise, as to his intention to prove a foul conspiracy in this case, and urged that his learned friend had, from his own personal knowledge of occurrences at Milan, been fully apprised of the charges which the witness Pomarti would bring against colonel Brown. He alluded to an action which had been tried at Milan, in which Vilmacarti was the defendant—an action brought by Codazzi for the acts of seduction towards his clerk, both on the part of colonel Brown and Vilmacarti, with the occurrences then disclosed, the Attorney-General was no doubt fully acquainted; and that he was so, his cross-examination of Pomarti at that bar fully established. Upon the answer which every man of common sense would give on the present occasion he would rest his case. He entreated their lordships to deal out justice equally, and to act upon those principles upon which they had hitherto been guided. He called upon them not to plunge into these irregularities against the queen, which they had rejected in her favour. He called upon them not to add to the hardships of a prosecution, which had already been characterized by a compound of monstrous, needless, and shameless cruelty.

Mr. DENMAN followed Mr. Brougham, and protested, in the most solemn manner, against the application of the learned gentlemen on the other side. "I rely, my lords," concluded Mr. Denman, "upon the justice of your lordships, for I defend my illustrious client before a court of justice, from which I ask for justice, from which I ask no indulgence. When her majesty, at the beginning of this extraordinary trial, asked for time to have the whole of the case brought forward together, we were told that the case for the prosecution was first to be opened and proved, and that then as much time as could be required would be allowed to her majesty for bringing forward her defence. But, good God! who ever thought, where is the man among your lordships, who ever contemplated even

the possibility of having, after the Attorney-General had, with all the zeal which he possesses, opened the case for the prosecution, by enumerating the charges to be established against her majesty—after the Solicitor-General, with all his legal acuteness, had summed up, and commented upon, that evidence which was brought forward to substantiate his case—after our tongues had been tied for three weeks, after we had laboured to succeed, if it was not impossible fully to succeed in removing the prejudices which the publication of those monstrous slanders for so long a time, had contributed to excite among the public, such an application as the present for delay, offered to your lordships? My lords, it is impossible you can sanction it. We will, for we can, show by arguments, we will demonstrate by evidence, we will satisfy your lordships and the country, and we will convince posterity, that the charges against the queen are false, that her majesty has been unjustly attacked, and we, therefore, maintain, that she is entitled to a verdict of acquittal from your lordships."

THE ATTORNEY-GENERAL having replied,

The LORD CHANCELLOR, after some observations on the application which had been made, said he should apply himself to the evidence, and submit in the morning, the best opinion which he could form upon the subject. He did humbly ask their lordships, for the purpose of enabling him to form that opinion, to defer the further consideration of this subject until 10 o'clock to-morrow morning.

Earl GREY concurred in the propriety of adjournment, and the house adjourned accordingly.

TUESDAY, October 23.

ORIGINAL DEPOSITIONS OF WITNESSES.

Earl GREY said, that as this case was now drawing towards a close, he thought this was the proper and convenient time to give notice to their lordships respecting their proceedings. It was, he begged to remind their lordships, the usual course in the courts below, and as such it was stated by Mr. Phillips in his Law of Evidence, for the judge to have before him, during the trial, the previous depositions of the witnesses, for the purpose of comparing them with what they swore

to on the trial. Now here the previous depositions, instead of being regularly and judicially taken, were irregularly and extra judicially taken; still he thought it most important that their lordships should have these depositions before them, when they came to the consideration of the evidence in the case. He, therefore, now gave notice, that, on a future occasion, and before they entered upon the whole consideration of the evidence, he should move that these depositions be laid before their lordships.

The LORD CHANCELLOR rose to remind the house, that they had separated, yesterday, after an application had been made by the Attorney-General to stay the further proceedings in this case, until the arrival of colonel Brown, for the purpose of examination in the cause. He had, since yesterday evening, considered this application which had been resisted by the counsel for her majesty, and though he thought the counsel on the one side were bound to make, and those on the other to resist the application, his (the Lord Chancellor's) opinion was, that there was nothing in the application which called for any further delay in the proceedings upon this bill; and he would shortly state the reasons which influenced his individual opinion to that effect. He had since yesterday looked over the whole of the minutes of evidence which related to Col. Brown, and he found that the matter which had such reference, and upon which a question might arise whether it ought to be considered evidence or not in the cause, was given two months ago. If, therefore, it were only to be considered as testimony in the cause, it had been given so far back as to afford time for bringing over col. Brown, if his evidence were deemed material. His individual opinion, therefore, was, that in justice to the queen, they could not, upon the application made by the Attorney-General, stay the proceedings in the case. If this individual opinion should be adopted by the house, it would be his duty to move that counsel be called in; and that the Attorney-General be informed, that the house could not accede to his application to stay proceedings. If their lordships differed with him in opinion, he would of course, be bound to give effect to their opinion, whatever it should be, (hear, hear, hear).

The Earl of DARNLEY entirely concurred in opinion with the noble and learned lord, that this application ought to be resisted; but he principally rose to enter his protest altogether against any further proceedings in this case. He did so upon three grounds, any one of which he thought decisive, but when all three concurred, they were irresistible. The first was, the impossibility of following up the clue of the manner in which the evidence was collected—the second, abstraction of Rastelli—and the third, the non-appearance of the baron d'Ende. For these reasons, he protested against any further proceedings in the bill.

The Marquis of CAMDEN concurred with the noble lord on the wool-sack, that under all the circumstances of the case the house ought not to adjourn. He had thought it his duty from his having had the honor to form an acquaintance with colonel Brown, to look carefully into all the evidence that affected his character; and having done this, though he thought it very hard upon colonel Brown to be denied an opportunity of vindicating his character before that large assembly, he could come to no other conclusion than that which he had announced, and, in his judgment, the house could pursue no other course than that which had been recommended to them this day. For colonel Brown, he must say, that he knew him to be a gallant officer, and an honorable man. He had seen a great deal of service, had been 14 years a subaltern, and had been wounded in action not fewer than six or seven times.

Lord HOLLAND thought nothing could be more clear than this, that the proceedings ought not to be suspended on account of colonel Brown. He might be a very deserving officer; but if it were right for any noble lord to pronounce a long panegyric on his services in that house, it might be permitted to another to state what he thought of the conduct of colonel Brown in certain transactions as they stood on their lordships' journals.

The question was then put and agreed to, and the counsel were ordered to be called in.

The counsel on both sides having taken their places at the bar,

The Attorney-General was informed that the house had rejected his application for further delay.

The LORD CHANCELLOR then asked the Attorney-General if he had any witnesses to call in reply?

EVIDENCE IN REPLY.

The Attorney-General having announced his intention to recall captain Briggs, he was accordingly put to the bar, and examined by the ATTORNEY-GENERAL.

You have stated that you commanded the *Leviathan* at the time her royal highness the princess of Wales was on board that ship?—I have.

Do you remember lieutenant Hownam being on board with her royal highness?—I do.

I believe you stated that Bergami was also on board that ship?—I did.

Do you remember any conversation with lieutenant Hownam on the subject of Bergami?—I do.

Was it a conversation about Bergami being admitted to a seat at her royal highness's table?—It was.

State what lieutenant Hownam told you on that occasion?—I observed to lieutenant Hownam, in conversation, that captain Pechell had told me that Bergami stood behind his chair when the princess first embarked on board the *Clorinde* frigate, and asked him how it was that he was now admitted to a seat at her royal highness's table? He replied, that he was sorry it was so; that is, that he was sorry the princess had admitted him (Bergami) to her table, and that he (lieutenant Hownam) had entreated her royal highness down on his knees, with tears in his eyes, not to admit him to her table, but all to no purpose.

To the best of your recollection what did he say on the subject?—To the best of my recollection, he said that happened on the very day that Bergami's situation was changed, that is, on the first day that he dined at the table of her royal highness.

Cross-examined by Mr. BROUGHAM. —Captain Briggs, when did this of which you speak happen on board the *Leviathan*? —It happened when the ship was on her passage between Ferraro and Palermo.

In what year?—It was in 1815.

At what time in the year?—In the month of November.

Who was present at the time?—I do not recollect that any one was.

Try if you cannot recollect?—We

were in conversation together, I and lieutenant Hownam, walking the deck.

You were frequently in conversation with him, I believe?—Occasionally.

Occasionally, I mean; I do not suppose you held conversations with him every half hour?—No; nor even every day.

But this was not the only conversation you had with him?—No.

You have conversed with him since?—Yes; he came down to me from Brandenburg House, and wanted to find out from me the nature of the evidence I meant to give here. I declined to converse with him on this subject. It was at seven in the morning that he came to me. On taking leave, he said he should feel obliged to me if I could tell him whether any alteration had been made in the cabin of the *Leviathan*, for he did not recollect that there had been any: upon which I expressed to him my surprise at hearing him say so, and brought to his recollection that alterations had been made in the cabin, and made in his presence.

Very well. In short, he had forgotten the circumstance?—I must presume so.

You mentioned to him (lieutenant Hownam) what captain Pechell had said of Bergami. Then Pechell, I suppose, had made some difficulty—had started some objection to her royal highness dining on board his ship?—He positively refused to sit down with Bergami; he had no objection at all to her royal highness.

He would not sit down with Bergami?—I do not know that positively, as I was not on board that ship.

What led to the conversation you were speaking of—were you talking about Bergami sitting down to her royal highness's table?—No; not about that.

I understood the conversation to begin with a statement that captain Pechell had seen Bergami standing behind his chair?—No.

You have mentioned the observation lieutenant Hownam made to you, did that observation operate on captain Pechell as a reason against his sitting down at the same table with Bergami?—No, I cannot say that; it occurred long afterwards; it was when captain Pechell saw her royal highness for the second time.

Did you make any note of the con-

versation you have mentioned at the time it took place?—None whatever.

You have now spoken then to what you recollect of a conversation that took place five years ago?—I have a perfect recollection of that conversation.

When did you first mention it?—I believe I have mentioned it several times.

But do you recollect any one particular time?—I remember that it was brought particularly to my recollection by a letter which I received, inquiring if I recollected such a conversation.

At what time did you receive that letter—since these proceedings commenced?—Since the house met the first time.

You say the conversation was brought to your recollection by that letter?—It was never absent from my recollection, and when I was written to to know if such a conversation had taken place, I answered, to say that it had, and that it was true.

It was never a moment from your recollection?—I always remembered it well.

Now, captain Briggs, as this conversation was always more or less in your recollection, will you mention one of the occasions on which you spoke of it?—I have mentioned it on several occasions that I could name; I once mentioned it to Sir G. Cockburn.

O! you mentioned it to Sir G. Cockburn;—you mean one of the lords of the Admiralty?—Yes.

About when?—This was some time ago.

How long?—Many months ago. Some four or five. I mentioned it to him long before I knew that I should have to mention it here.

Had Sir G. Cockburn questioned you on this subject? No.

How did you begin the conversation—what led to it?—I forgot what led to the conversation, but I remember the fact of my mentioning it to him.

You say this was four or five months ago?—Yes.

You have had the honour of dining with the king; lately have you not? I have; at Portsmouth.

Since you were last examined in this house?—Yes; since I was last examined in this house.

Re-examined by the ATTORNEY-GENERAL.

I believe you have the command of

a guard-ship at Portsmouth?—I have; I have the command of the *Britannia*.

Had you that command at the time his majesty was at Portsmouth?—Yes.

Did you dine with his majesty in company with other officers of the fleet who paid their respects to his majesty?—Yes the officers of the navy at Portsmouth: one of the captains, every one without exception.

The ATTORNEY-GENERAL.—My lords, as the case now stands, I will not trouble your lordships with any more witnesses.

Mr. BROUGHAM.—My lords, to save your lordships time and trouble, my friend, Mr. Denman, tells me he is ready to go on.

SUMMING UP OF THE QUEEN'S CASE.

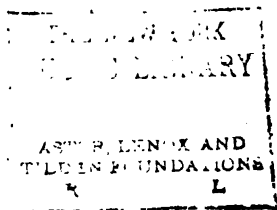
Mr. DENMAN then proceeded to address their lordships. Under any circumstances in which it was possible for any advocate to be called on to discharge the solemn duty then imposed upon him, he was sure that it would be unnecessary to request the merciful indulgence of their lordships to the individual who had to address them; and perhaps there was something in the peculiar circumstances under which he himself came forward which made it more fitting and necessary that he should receive an ampler portion of that indulgence, of which he was fully sensible that he stood so much in need. For, certainly, after the application which had been yesterday made, and the wish which had been yesterday expressed by the Attorney-General that all the evidence which he had to offer in contradiction to that offered on behalf of the queen should be postponed until their lordships had decided whether the evidence of colonel Brown should be received or not, it was only natural to expect that, besides the solitary witness whom he had called to a single point of evidence, there might have been a considerable mass of contradictory testimony to consider, especially as the whole of his (the Attorney-General's) cross-examination of the witnesses for the defence was such as led plainly to the inference that it was intended to go at length into evidence in reply, and was, therefore, such as kept his (Mr. Denman's) attention continually suspended, and diverted his mind from that connection with the case made upon the other side, which it was



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Her Majesty's Solicitor General.

Engraved from an Original Drawing 1830.



necessary for him to preserve, in the contemplation of being required to proceed immediately with his summing up. He did not intend to make any complaint of that circumstance; because, during the time that had elapsed in proof of the accusations against her majesty, and likewise of the defence, he should have been deficient in his duty as the queen's counsel, if he had not paid the closest attention to the whole of the evidence. He should, now without further preface, proceed to make his remarks upon the whole of that evidence—evidence which, he said it boldly, had satisfied his mind, had satisfied the minds of the learned friends with whom he acted, had satisfied the minds of all the people of England, and those too of all the civilized nations in the world, who were looking with a deep interest on these momentous proceedings, that illustrious client had established such a defence, as made it imperative on their lordships to give her a most complete acquittal of all the charges which had been preferred against her. He wished to proceed to that examination with all that calmness and deliberation, and absence from all personal feeling and violence, which were so necessary to be observed in order to obtain a complete investigation of the truth. But it was not to be expected that, in the many interlocutory contests and debates which had arisen in the course of these proceedings, there might not have been exhibited at one and a temper for which an apology was requisite—but it was no other than the enormous magnitude of the case, and its tremendous consequences to his illustrious client and the country, and the deep anxiety with which an advocate must be overwhelmed in coming to the consideration of it. They had been charged with making use of invective, declamation, and violence, for the purpose of producing an effect, not in, but out of doors; nay, he begged leave to state, that his learned friend had seemed to think that on some occasions they had borne personally too hard upon him; but he must disclaim all intention of bearing hard upon him, or of casting any imputation upon his honor and character; and, therefore, if from what fell from him yesterday, he (the Attorney-General) supposed that he (Mr. Denman) questioned his veracity, he begged to

say, that if any thing which dropped from him at that time could be clothed with such a supposition, and could warrant such an assumption, he unequivocally retracted it before the assembly in the face of which it was made, and was sorry that any language of his should have led to such a mistake (hear, hear.) He had no intention of giving uneasiness in any quarter; but he must say that he had felt it deeply, and often, in the course of this proceeding. It was therefore impossible for a man not to ask indulgence for any warmth into which he might have been betrayed; because the illustrious individual who was their client, had been, from the first moment in which she had set her foot in this country, the victim of the most cruel oppression, and the most dreadful and irreparable wrong. That galling recollection had attended them through the whole of these proceedings; it must be their excuse for any undue warmth with which they might have expressed themselves; and having said that, he should proceed, without any further apology to the case itself. But, whilst he disclaimed all personal imputation on his learned friend, he claimed the right of animadverting with great freedom on his conduct as an advocate, inasmuch as from the conduct of an advocate not only the impressions of his mind might be collected, but also much of the nature of the instructions under which he acted, and of the spirit in which the prosecution had been commenced and conducted to its close. To have to conduct a case in such a spirit he conceived to be a misfortune, for which no rewards, no honors, could afford an equivalent—a misfortune which had weighed down his learned friend throughout the whole of these proceedings—a misfortune to which, he declared before God, that nothing within the scope of human ambition could have tempted him (Mr. Denman) to have submitted for a single moment—he meant the office of prosecuting this bill of pains and penalties to divorce and degrade the wife of the King of England. In order to see the nature of the proof brought forward in support of that bill, their lordships must look to the charges contained in the preamble; and, in order that they might fully understand them, he must refer them to the manner in which the indictment against his illustrious client was drawn up. It stated, that her ma-

jesty, " while at Milan in Italy, had engaged in her service an individual in a menial capacity; and that, while in that situation, a most unbecoming and degrading intimacy soon commenced between her royal highness and that individual; that he was advanced to a high situation in her royal highness's household, and that he was received by her royal highness with great and extraordinary marks of favor and distinction; and that she, unmindful of her exalted rank and station, and wholly regardless of her own honor and character, had conducted herself towards him, both in public and private, in the various places and countries which she visited, with indecent and offensive familiarity and freedom; and carried on a licentious, disgraceful, and adulterous intercourse with the said Bergami, by which conduct great scandal and dishonor had been brought upon his majesty and this kingdom." He was aware that their lordships were now upon the second reading of the bill, and that, in addressing them he had only one simple question to discuss—namely, whether the allegations in the preamble were at all made out by the evidence adduced in support of them. It had been stated (and the whole preamble went to charge it), nay, it had indeed been proved, that Bergami had entered in a menial capacity the service of her royal highness, and that he had been afterwards promoted; that several of his relations had been taken into her service; and that he had received several marks of favor both himself and his family. But when the next clause in the preamble came under consideration, that clause which stated that Bergami had received titles and orders of knighthood through the influence of her majesty, he thought that it was only fitting that some evidence had been given that they were really obtained by that power and that influence. All that their lordships had heard was, that at one period he was without titles, and that at another he possessed them. There had not been a tittle of evidence produced to shew how he had obtained them, or that her royal highness had been instrumental in procuring them for him, except indeed such evidence were to be found in the circumstance of her royal highness having conferred on him an order of knighthood which she was said to have instituted without any legal right or authority so to do: but before that

clause of the preamble which charged this occurrence could be considered as a crime against her majesty, they ought to have heard something to prove that none but royal personages had a right to institute orders of knighthood. In the course of his historical inquiries he had never met with any thing which led him to believe that this was the right of royalty alone; on the contrary, he had found that it had been exercised by many individuals of inferior rank. In France several orders had been established by persons in a capacity infinitely more humble; and also in Italy by three merchants, brothers, he believed, though he did not at that moment recollect their name—all which went to prove that there were precedents for the establishment of orders of knighthood by private individuals. He treated this part of the accusation with seriousness, because it was so treated in the preamble of the bill, and because it was there charged against her royal highness as an infringement of royal authority. When this was the first instance within six centuries of an European princess visiting the Holy Sepulchre, there could surely be no crime if she, delighted with the adventure, and struck with the novelty of all around her, did that which the dukes of Orleans and Bourbon had done before her—institute an order of knighthood to reward those who accompanied her. He could hardly suppose that this could be visited with any peculiar severity against her royal highness, though it was the charge against her which had been best proved. Bacon had said that, "princes had many times made to themselves desires, and sate their hearts on toys—sometimes upon a building, sometimes upon erecting of an order." The illustrious lady, his client, was proved to have erected an additional wing to the Villa d'Este, which he understood to be in the best taste, and to do no discredit to her royal highness's judgment, however it might differ from some of those buildings which had been recently erected in this country. And as to the order which she had established, it was merely inserted to swell out the preamble, and ought not, therefore, to attract any more of their lordship's notice. When he came to the next clause in the preamble, he came to that clause which charged her majesty with indecent conduct and adulterous

intercourse, and that he believed to include the real question on which their lordships were then assembled to decide—namely, whether the adulterous intercourse had taken place at all? and then, whether it had so taken place as to bring scandal on the king, and dishonor on the people of England. And here he could not help observing, that her majesty's counsel approached to that issue under all the disadvantage under which it was possible that a defendant could labor, inasmuch as they were in utter darkness of all the charges which they were called upon to meet, up to the very hour of the trial. The opening speech of the Attorney-General was the first specification of the charges which they had to refute—and that, too, not a specification of the witnesses who were to support them—for his learned friend had not mentioned the name of a single witness in the whole course of his speech, but a mere specification of the charges against which they had to defend their illustrious and injured client. He should, therefore, refer to the speech of the Attorney-General, as to the case which he was called upon to answer: and the only way in which he should do it, would be by observing on the statements which it contained, and on the manner in which they had been supported by the witnesses he, (the Attorney-General) had produced. The first case, or the first count, or the first overt act of high treason which had been charged against her majesty, was the alleged transaction at Naples: and certainly there never was a series of facts more likely to make a deep impression upon an audience than that which had been detailed to their lordships by his learned friend. That detail not only made it clear that the adulterous intercourse charged in the bill occurred on that very night, but gave a semblance of colour and probability to all the circumstances which had followed after it. For what was the statement of the Attorney-General? He had said that the person whom he charged as the paramour of her royal highness, and who before slept at a distance from her royal highness, was on that night removed to a chamber near her: that the boy Austin, who before slept near the person of her royal highness, was on that night removed by her desire: that on that night she had returned at

an early hour from the opera; that her maid, who happened to be present, observed her to be greatly agitated; that her royal highness retired to her chamber, and hastily dismissed her attendant; and then came the remarkable addition to the maid's testimony, which was, according to his learned friend's statement, that on the following morning it was discovered her royal highness had not on the preceding night occupied her own bed, but that in the larger one there were found decisive marks of its having been slept upon by two persons. The princess on that morning was not visible at an early hour, as usual; that she remained locked up in her room until late in the day, and did not then receive the several persons of rank who called to pay their compliments upon her royal highness's arrival at Naples; and during that forenoon, Bergami was missed from the breakfast table of the servants. What followed in his learned friend's speech came naturally enough after these proceedings—namely, that Bergami's conduct became altered, that he assumed an impudent and overbearing manner towards the other domestics, and conducted himself with intrusive and improper familiarities towards his royal mistress. Such were the charges that had been opened, confidently opened by his learned friend the Attorney-General, and which, doubtless, if proved by the witnesses for the bill, naturally led to only one conclusion. But he asked their lordships, did that result follow in this case? or were not, on the contrary, all the facts which were capable of refutation clearly and unequivocally contradicted by her majesty's evidence. From the evidence on the part of the queen, was it not clearly proved that, instead of the change of the apartments having taken place with her knowledge and authority, it was done of his own accord by her majesty's housekeeper, in the bustle of a new arrival, to provide more accommodation, and altogether without her majesty's being consulted on the subject. If, therefore, it should appear that this arrangement was made by Monsieur Sicard, without the princess's knowing any thing whatever of the matter, what became of his learned friend's statement of this part of the case in his opening speech? Then, as to the removal of William Austin from

sleeping in the same apartment with her royal highness, what became of the statement that this change was made for the first time on the princess's arrival at Naples, when it was shown to have previously and repeatedly taken place before her royal highness's arrival at Naples, whenever the travelling accommodations admitted the change? and this was most properly done upon the remonstrance of her royal highness's chamberlain, who thought the age of William Austin rendered it necessary—he being then 13 or 14 years of age—that he should be provided with a chamber apart from that of the princess. There was so far an end to the novelty of Austin's separate room on the princess's arrival at Naples. If, then, it should also appear that the princess, so far from returning early from the opera, remained there until the close of the performance—if, instead of secretly coming home, she returned, as Sir William Gell, who accompanied her, deposes, in the same state in which she went to the theatre—if, instead of De Mont being in waiting to attend, she was called up for the purpose, and that Sir William Gell actually escorted the princess to the door of her apartment—if, when all these things met their lordships in proof on the minutes of the evidence, and that, from the same authority, it should further appear that no agitation was observed at the time alluded to in the princess's manner, nothing particular seen in her conduct that night, no oversleeping on the following morning, no refusal to see persons of rank who came in the forenoon to pay their respects, no missing of Bergami from the servants' breakfast-table—then, after their lordships saw all this in proof, had he not a right to say that the witness De Mont's story stood so covered with contradictions upon all these facts, which were, from their nature, capable of being repelled by evidence, that on the only remaining parts of it, which, from her saying she was alone at the time with the princess, were incapable of being met by any contradictory evidence, she was utterly disentitled to any belief? The princess's manner, she said, was agitated. Now, in the first place, it was not easy to depend upon one person's opinion of the manner of another; that was a very difficult sort of testimony to rely confi-

dently upon under any circumstances? but when every part of De Mont's testimony which came within the co-observation of another was utterly and effectually contradicted, what reliance in any degree could be placed upon the slightest part of her long and often contradicted examination? In referring to the mass of details which lay in the minutes before their lordships, he feared he must necessarily become tedious; but he knew that they who had witnessed the whole proceedings would see the necessity of his recalling their attention by reference to such parts of the evidence as bore upon the case of his illustrious client. If in any part of his reference he should fall into unintentional error, he should not consider it any interruption, but, on the contrary, a serious favour, to be set right as he went on, either by his learned friends at the other side, or by any of their lordships. His object, in now alluding to the evidence, was not to get rid of the effect of these things, by shewing how incredible, how impossible, was their occurrence in the manner stated by his learned friend; but shortly and simply to shew, that not only was the opening case not proved by the evidence adduced to support it, but that many parts of it were expressly negated out of the mouths of the Attorney-General's own witnesses to substantiate his own facts, as well as out of those of the witnesses brought forward in behalf of her majesty. By referring to the evidence of Sicard, in pp. 566 and 593 of the minutes, they would find the two charges fully and unequivocally negated respecting the change of the apartments at Naples, and the bed in the cabinet. In Mr. K. Craven's evidence, in pp. 537 and 543, they would find the recommendation at a previous period that it was proper William Austin should be placed in a separate sleeping room, for that his age at that time rendered it unfit that he should sleep in the same room with the princess: and from this part of the evidence it would also be seen that this proper recommendation had been acted upon, and particularly in Germany. In the evidence of Sir William Gell and Mr. Craven, in pages 355 and 551, there was demonstrative proof that these gentlemen had remained with the princess until the close of the opera at Naples, and for reasons that rendered their testimony

conclusive. Then again came the total absence of all proof that Bergami was absent the following morning at breakfast time, and the flat and strong contradiction that any change in his behaviour had been observable at that time, either towards his mistress or any of his fellow-servants—a change which would have been most natural indeed, if the facts, as opened by the Attorney-General, had any foundation in truth. He adopted fully the opinion of his learned friend that such would have been the demeanour of Bergami had he been permitted by his mistress to take those liberties with her which laid the ground of this charge. But there was scarce a page on the minutes of evidence before them, which did not go to negative any such conduct, and of course to destroy the inference that was drawn from it. From first to last, from the time at which he occupied an humble station in the household, up to that when he was honoured with a higher and more confidential place, his whole conduct was distinctly proved to be that of an humble and respectful servant to a mistress who was kind and affable it was true, but who, in her affability, never lost sight of her proper dignity. Mr. Craven's evidence on that point was quite conclusive. That witness, when asked whether Bergami's manners at the outset were those of a gentleman, very properly answered, "I do not know what can be meant by the manners of a gentleman in a courier: I know he conducted himself well as such, and afterwards when I met him at her royal highness's table, his conduct was unexceptionable." With respect to what De Mont deposed in p. 253, respecting the two beds—namely, that no person slept on the night she mentioned in the Princess's small travelling-bed, but that two must have slept in the large bed, from the tumbled state in which it appeared—it was a little curious that, if the princess were guilty of the crime imputed to her, she should have left such proofs open for her detection, such marks calculated to excite observation, when they might so easily have been obviated. He should shew that this part of the statement was altogether improbable, and utterly disentitled to any credit. It was also ludicrous to attach any value to her statement upon that point, after the manner in which she shook her evi-

dence in her cross-examination by his learned friend, Mr. Williams. Was it not also remarkable, that until the third or fourth day of her examination, she should have withheld those remarkable appearances on the counterpane, which, if true, were so important for the purposes of the prosecution, and must necessarily have been communicated to the Attorney-General in the previous depositions of De Mont? How did it happen, then, that the Attorney-General, in his questions to the witness, entirely overlooked such unquestionable proofs of the criminality which it was his duty to establish? He must have had these depositions of De Mont's evidence before him. How did he then omit such a question? for surely, if she could speak to such a fact, she must have long before mentioned it to the agents for the prosecution. It was for his learned friend to have explained so singular and extraordinary a circumstance. Indeed the adage was never more verified than in the reflection which this witness's testimony excited:—

"Calumniando semper aliquid erat."

Though her testimony was disproved, still unfortunately the experience of human nature showed that sufficient traces of the evil inflicted would long remain—traces for which indeed his illustrious client could receive no adequate reparation, which no punishment of the parties would atone for, no time sufficiently efface. What could atone for the statement of the Solicitor-General, who, after reciting the falsehoods (for such he was now entitled to call them) of De Mont respecting the princess's conduct on the night of her going to the theatre at Naples, had said that no man who heard him could doubt the fact, that on that night the adulterous intercourse commenced between her royal highness and Bergami, which was afterwards continued without intermission? When such strong statements were made, it became almost impossible for the mind to get rid of the impressions which they affixed upon it; the mind lingered with them often, notwithstanding their contradiction in evidence; and the melancholy reflection was, that their effect, so injurious at once to the feelings and peace of the object of them, survived the existence of the base surmises upon which they were founded. Never had there been in the annals of any court of

judicature, any opening statement of a case so miserably attempted to be sustained by evidence as this had been—never a case so satisfactorily disposed of by the conclusive evidence brought against it. Notwithstanding this complete destruction of the facts upon which the bill was attempted to be founded, still he repeated that his illustrious client must suffer under the effect of such a prosecution, however satisfactory was her innocence established; and her feelings must be exposed to an indignant agitation, which to her must be irreparable. The learned gentleman then quoted, in illustration of his opinion, the following observation in the Quarterly Review: “To refute errors is no trivial task, for the labour is not very amusing. It requires more time and cost to repair an edifice than to damage it; and certainly more zeal to defend the calumniated than to raise the calumny. An attack, if it deserves notice, is necessarily lively, and our attention is raised by the air of novelty it carries with it; but a defence can only boast the honest intention of carrying us back to the same place we had formerly occupied; and nothing short of a miraculous demonstration will so completely eradicate a false or an aggravated charge, as to leave no trace of it behind in the minds of those who have long received the erroneous impressions.” He should now come to what he considered the second count of the indictment—namely that which embraced the conduct of her royal highness at the masked ball she gave to the then king of Naples. His learned friend, in opening that part of the case, had said that when her majesty wanted to make an entire change of her dress during that ball, she retired to an inner room alone with Bergami, in whose presence, unassisted by any other person, she changed her first dress, and put on one which was highly indecent. Here again he had reason to complain of his learned friend, for there was nothing in the evidence to sanction that statement. Was there ever any thing so disproved as this? The Turkish dress which the princess wore had nothing whatever indecent in its arrangement, and it was during some part of the evening, the dress of some of the princess’s suite. But it was said that Bergami, being offended at something that passed between him and the princess,

retired from the ball—that he was followed by the princess, who ineffectually tried to prevail upon him to return to the company, and that her royal highness was herself obliged to leave him, having failed in her entreaties. Was there a single iota of evidence to sustain this statement? Could the princess have been for three-quarters of an hour absent on that night from her ball, without its being observed? But, if even she had been so absent, was it likely she should have called her maid into the anti-room, only for the purpose of listening to her vain attempts to recal Bergami to the ball-room? It was said, that if De Mont has sworn falsely, it was in the power of her majesty’s counsel to call evidence to contradict her. So they had, where she spoke of matters to which a third person was privy; but they had no power of contradicting her respecting statements where she represented herself as being the only spectator, except out of the improbability of her own story, which, fortunately, where there was not better evidence, was sufficiently decisive. Where was the use in pursuing cross-examination to any great length with a witness whose story was her own invention? To press her further was only to carry her further to her career of deception; for vain indeed must it appear to hope to confuse her memory after a three years’ rehearsal. He recollected an anecdote of a particular friend, who, upon relating a circumstance, was informed that it was not true, and told by the person who made the observation, that he knew it upon as good authority as the other did. But the other replied, that so he might, for that he had himself invented the circumstance, and told it to that person. De Mont then was like his friend, the sole inventor; she was the historian; there was no going higher than the source; where was the use of ascending above the fountain: the more that the attempt was made to go back farther, the brighter became the ardor of this witness’s invention. It did, however, so come to pass, that both Sir William Gell, in page 562 of the minutes of evidence, and Mr. Craven in page 536, as well as Sir William Gell, indeed again in page 552, clearly shewed the falsehood of De Mont’s story of the ball scene. From this evidence her whole story was rendered untenable; and in page 235 it would be

seen that Bergami, so far from quitting the ball-room, had remained like the other servants serving up refreshments to the company during the night. The Turkish dress of the princess too was disposed of with equal effect; for the trowsers, as they were called, consisted of a simple thread which marked a division in an ordinary petticoat, and had nothing in its shape bearing the smallest similitude to indecency. There was another point in the statement for the prosecution which had been greatly dwelt upon, namely, the story that the princess had been seen walking arm in arm in the garden with Bergami. This they had in page seven from that famous witness Majocchi. De Monts said she only observed it once. De Mont in this part of her testimony, resorted to the old and dangerous artifice of engraving her falsehood upon a small portion of truth. The fact was simply this; there were some trees planting in the garden, and repairs going on, respecting which the princess desired to give some instructions, and she went into the garden among the Italian workmen, accompanied by Bergami, whom the princess took there to communicate to the workmen, which she could not do intelligibly in their language, the alterations she desired. Though Bergami attended her in the garden, it was false that he was arm in arm with the princess. If their lordships would please to refer to pp. 540, 557, and 562, of the testimony of Sir William Gell and Mr. Craven, they would at once discover the falsehood of the charge built upon the circumstance to which he had just alluded, and they would also find that the princess was, at that period, cautioned by one of these gentlemen against being seen even walking as she had walked with Bergami in the garden, and informed that her most innocent acts were liable to the greatest misrepresentation, as persons were then spying into her conduct with the worst views. They had also heard from the same witnesses who contradicted the story of walking arm in arm, that this garden was surrounded by the neighbouring terraces, and that, at the time spoken of, Bergami, so far from being walking arm in arm with the princess, was in attendance upon her, and walking after her as a servant after a mistress. His learned friends in conducting this prosecution had repeatedly said that they had no interests to serve, ex-

cept to promote the ends of justice. His learned friend, the Solicitor-General, had said that his duty was not to impose or to influence by any distorted statement; all that was required of him was, that he should sum up the evidence with truth and accuracy, and then point out how it applied to the charges upon which the bill was founded. If it were not expected of him to incur any charge of this misstatement, still less, he hoped, was it expected of him to use the slightest expression derogatory from the station and dignity of her majesty the queen. No such expressions should escape his lips. Indeed, no effort had been spared by counsel which ingenuity, dexterity, or management, could suggest to effect their purpose. He did not complain of the efforts of his learned friends in support of the bill. It was of course their duty to act upon the evidence submitted to them; that evidence came to them in the shape of instructions, and they were bound to manage them in the most dextrous way they could. His learned friend, the Attorney-General, had, indeed, taken manly ground; and it was pleasant to deal with such an adversary. The Solicitor-General, however, put the case upon a different footing. The one promised proof of what he meant to support in an authoritative form; but the other addressed their lordships in his summing up in the tone of a judge instructing a jury upon the facts on which they were to give in their verdict. The Solicitor-General said, in his summing up, that he hoped he might be allowed, in conclusion, to say—and he said it from the bottom of his heart, and in the utmost sincerity—he sincerely and devoutly wished, not that the evidence should be confounded and perplexed, but his wish was that it should be the result of this proceeding that her royal highness should establish to the satisfaction of their lordships, and every individual in the country, her full and unsullied innocence. These declarations of his learned friends, the eager advocate on the one side, and the impartial judge on the other, shewed a division of labour between them.—It was as if the one had taken the events of Monday, Wednesday, and Friday, and the other those of Tuesday, Thursday, and Saturday, under his special cognizance. The conclusion of his learned friend, the Solicitor-General, could not fail to have struck their

lordships as being very remarkable; he had prefaced it by demonstrating, as he conceived, the impossibility of rebutting the facts set forth in the prosecution, and he had concluded with a sincere and devout prayer that her majesty might still be able to prove her entire innocence. This must be taken as a happy omen, for it was the first prayer that he believed had emanated for her majesty from any officer of the king's government, and he hoped it might be considered as a happy omen, which preceded the restoration of her majesty's name to the office of the church, from which it had been so improperly and illegally removed. The learned gentleman then said that he would recur to the minutes of evidence to impress still more strongly upon their lordships the glaring inconsistencies and contradictions which were to be found on the minutes of evidence in support of the bill. He now begged to direct the attention of their lordships to what he should call the third count of the charge. De Mont stated that she had seen Bergami in the passage leading to the princess's room. This was insisted upon as a most material part of the case; their lordships would now see how the case stood, as it appeared on the minutes. In page 251 were the following questions:—

"Do you remember ever seeing Bergami at night in the passage of which you have made mention?—I do.

"Where was her royal highness at that time?—In her bed room.

"Was she dressed or undressed, or in what state?—She was undressed.

"Where were you standing?—I was near to the door of her royal highness.

"Where did you see Bergami?—I saw Bergami come out of her room, and come into the passage.

"In what direction? towards the princess's room, or how?—He was going towards the bed-room of her royal highness.

"What was the state of Bergami's dress at the time you saw him going towards the bed-room of her royal highness?—He was not dressed.

"When you say he was not dressed, what do you mean? what had he on?—He was not dressed at all.

"Do you remember what he had on his feet?—Slippers.

"Do you remember whether he had any stockings on?—I saw no stockings.

"Had he any thing on more than his shirt?—Nothing else.

"You have said that the princess at that time was undressed; had she got into bed or not?—She was not in bed.

"When you saw Bergami coming along the passage in the direction of her royal highness's room, in the manner you have described, what did you do?—I escaped, by the little door which was near me, out of the apartment of the princess."

This, continued Mr. Denman, was the account given by De Mont; but, in her cross-examination, his learned friend Mr. Williams drew from her, that she went towards Bergami instead of retreating from him. She also said she escaped; she never went to see where Bergami was going; but she, to use her own words, "escaped." Was it possible, that from this circumstance, their lordships could believe that adultery was committed on that occasion? Supposing the whole of this account to be true, what was there in it to shew any adulterous intercourse between Bergami and the princess more than between him and any other woman? He maintained that the facts, taken in the most extended view, did not bear out such a conclusion; and, indeed, something of this kind must have been running in the mind of De Mont herself when she said she had escaped from Bergami. Would it, he asked their lordships, be required of his illustrious client, at the end of six years, to give an exact account of the particular acts and situations, not only of herself, but of every one of her suite, for all that time. What was there in the fact of Bergami having been seen out of his room? If he had been seen thus circumstanced in the room of her royal highness, there would be no need of going further, but he was only seen out of his own room; and he demanded of their lordships, whether, looking at this as it was stated, was it a fact of such importance that they should consent to a measure which would pluck her majesty from her throne because she could not account for Bergami's being out of his chamber at a particular hour? The proposition was monstrous. But it seemed that his learned friends on the other side did not themselves place much reliance on this part of the story as first told by De Mont, and accordingly they resorted to a new mode of

amending their case; and here he could not but complain of the disingenuous means to which they (the counsel for the bill) had recourse on this part of the case—means which he was satisfied would never have been allowed in any of the courts below. It was the invariable practice in the courts below that no question should be put to a witness in a re-examination which did not arise out of the cross-examination. If any thing had been omitted upon questions which were to be put in their re-examination, it was usual to give the counsel cross-examining notice of it, or to ask it through the court, but in the present case no such thing was done, and in the re-examination his learned friend, the Solicitor-General, took the witness back to Naples, and referring to the account which she had given of the scene in the passage, had asked her whether she had observed any thing done to the door (of the passage) after she went out of it? To which she, whose memory was of course much improved by the interval of a day or two, answered, that the door was shut, but not only shut, but that it was shut on the inside, and that she heard the key turned in it. The object of this was to show that Bergami, by appearing in the passage, could not have intended to seek De Mont, but must have intended to visit the room of her royal highness. Now he contended, that there was no judge in Westminster Hall who would have suffered a witness, two days after her examination in chief, and after she had seen the effect of her former evidence, thus to be examined as to matter entirely new, and which in no manner arose out of the cross-examination—matter, too, to which she might have been prompted as an adjunct to her former statement. If such a case were to come before the Lord Chief Justice, or any other judge, he would instantly have prevented the party from putting the question. It was, however, allowed to be put here; and what was before, at the most, only a case of mere suspicion, was thus attempted to be turned into something of positive criminality. He felt it his duty to advert to this instance as extremely disingenuous on the part of his learned friends. He would for the present leave it, and go to another part of the case, as it was his object to pursue facts. He now called their lordships' attention to another part of

the evidence, which was relied upon as proof of adulterous intercourse. He alluded to that part where her royal highness was described to have visited Bergami during his illness; for even illness, it seemed, was not to prevent the continuance of this degrading connexion. Her royal highness was said to have visited Bergami's room twice on this occasion, and to have remained each time just long enough to have yielded herself to his embraces, as it was meant to be inferred. But was not this part of the case fully answered by the evidence of Dr. Holland? He (Dr. Holland) positively swore that, to his knowledge, her royal highness never entered Bergami's room during his illness. Was this a satisfactory answer to their lordships? The next statement of that wretched discarded servant, Majocchi, who swore to having seen her royal highness passing through his room twice in the night, on her way to Bergami's apartment, would their lordships call upon him to reply to this? Good God! if such an account were to be credited, what safety was there for the life or character of the most innocent individual? Was it credible that if her royal highness sought Bergami's room for the purposes alleged, she would have chosen to pass through the room where a servant slept when she might have gone through another passage? Would it be credited that she had gone through the room of this servant, who was but newly hired, and in whom no confidence could be placed? Was it, he asked, to be believed that her royal highness would have gone through a room where there was a fire and a light, and where she ran all the chance of detection, and this on two occasions in the night—and all this was done too by a person who was said to be endeavouring to screen her guilty connexion with this individual? So that, for the very purpose of secrecy, she went where she must have been inevitably detected. Would, he repeated, their lordships call upon him to give any reply to such a statement? The thing carried its own falsehood along with it. There was, then, in support of it, the account of kissing. This was mentioned as having been heard in the opening speech of the Attorney-General: it was said that a witness would prove the having heard kissing after her royal highness had passed

through the room. The throwing in a few kisses was, no doubt, likely to increase the proof; but the witness only heard whispering. He did not hear what he might have heard, if it had taken place. But why, he asked, had not Dr. Holland been called in support of the statement of Majocchi? Dr. Holland was in attendance on Bergami, and he might have supported his (Majocchi's) testimony, as to the visit of the queen to Bergami, if it had so taken place. Why, then, had not Dr. Holland been called on the other side? After the undertaking which was first given by his majesty's ministers, and subsequently by the law agents in conducting the prosecution, that all the witnesses should be called who could state any circumstance connected with the case—why, then, after those repeated undertakings, had not Dr. Holland been called? Surely he was as respectable a witness as Majocchi. Why did they not call for the testimony of those respectable ladies who had attended her royal highness—some of those who had been placed in attendance on her by her royal husband, and who must have had the best opportunities of observing her conduct, and who could have described what that conduct was? The counsel for her majesty could have no objection to their stating all they knew respecting her royal highness's conduct; there would be no confidence violated. These were not called, but their lordships were told that there was sufficient ground for passing this bill upon what was called a *prima facie* case, supported by such detestable witnesses as he had described. Their lordships had heard of a secret staircase, and the inference which was attempted to be drawn from it. Now, he would suppose that any one of their lordships were called upon to account for the arrangements of their houses and family at the distance of six years! suppose they were accused of some crime connected with such arrangements, and without notice of the places or particulars of such accusation, could they point out accurately what those arrangements were after the lapse of such time? Ought any one, under such circumstances, to be convicted because they were unable to give such particulars? The greater the innocence of the party, the greater would be the difficulty of proving it.

Guilt was always cautious and wary; it was scrupulous in contriving means as might continue to screen itself from detection. Innocence, on the contrary, confident in itself, was improvident: it neglected very naturally, to look for protection to such circumstances where no danger could be apprehended. It was not therefore to be expected that an innocent person could be prepared to enter into a detail of every circumstance connected with his conduct; and least of all, could it be fairly required in such a case as the present. It was sworn by Majocchi that Bergami dined at the table with her royal highness at Genoa, and every day after. Now this circumstance was most positively contradicted by not less than three most respectable witnesses. It was contradicted by Dr. Holland in page 619, by lieutenant Hownam in page 702, and by lord Glenbervie in page 511. Here were three positive contradictions by witnesses whom it was impossible to suspect. What did this prove? Did it not clearly show to their lordships that this wretched man (Majocchi) was determined to do something worthy of his hire—something which would be a sort of return for the payment he received? He therefore swore to what he knew must have been false; and was this palpable perjury to be answered? Was this man's credit to be bolstered up by such remarks as had been made by the Solicitor-General on what his learned friend had said respecting the frequent "*non mi ricordo*." Neither he nor his learned friend objected to Majocchi's want of recollection: they did not blame him for his forgetfulness alone (for any man's memory might be frail); but Majocchi's memory was remarkably acute—his recollection of times and places was most astonishing. He spoke to the most minute circumstances of time and place, for a series of years, but this recollection was all on one side. On the other he could recollect nothing—no, not even the most remarkable facts; all were lost to his memory when he came to be cross-examined. This was the reason why his learned friend (Mr. Brougham) had dwelt so much and so justly upon his "*non mi ricordo*." It was here that Majocchi gave the most decided negative to the truth of his own story, for he (Mr. Denman) believed that in the

whole course of his life he had never met in any court a witness whose evidence was so completely demolished by himself, as was that of this man. This was the contradiction which their lordships would weigh. In every case where he spoke of what took place in the presence of a third party he was contradicted, but who could contradict him; who could disprove that which he swore he alone saw? How was it possible to say that he was not, as he said, half asleep, when he saw her royal highness enter his room? What did their lordships think of the accuracy of this man's memory when asked as to the having received money from Lord Stewart. "I remember to have received no money when I arrived at Milan; I remember I did not; 'non so.' I do not know 'piu no,' more no than yes—'non mi ricordo.' I do not remember." Was this answer a proof of a frail memory? or did it not show that the witness who had so sworn, was anxious to do something to earn the money he had received, by giving his wretched deposition in support of this case? He (Mr. Denman) would not now go into this part further. He would afterwards have to call their lordships attention to what he should show was a conspiracy. It was not necessary for him to go into detail with every circumstance respecting this man's testimony; but there was one to which he wished to call their lordships' attention. They had heard the seeming accuracy with which he had described the bed-rooms in several places through which her royal highness had passed; but at Civita Vecchia, Porto Ferrajo, Rome, and several other places, he could give no account whatever of the disposition of the rooms. If this alleged adulterous intercourse were still followed up, it must have led to similar dispositions of the apartments, as it was manifest that it could not have been carried on in open day; but of such dispositions Majocchi could not recollect one word. This was the frailty of memory, the wilful and corrupt forgetfulness of which his learned friends had complained. There was one part of the case which had nearly escaped his recollection; their lordships would bear in mind, that in the opening statement of the Attorney-General, great stress was laid on the scene which was said to have taken

place at the theatre of San Carlos. Her royal highness was described to have been so indecently attired as to excite the indignation of some of the company present. What, however, did this turn out to be? What was De Mont's account of it? She stated, not that the dress was grossly indecent, but that her royal highness was covered up in an ugly dress, and, being surrounded by a number of disagreeable masks, they had left the theatre. But what said his learned friend the Solicitor-General to this? He had asked, "Could De Mont have invented her account?" He (Mr. Denman) said she did invent, add that her story was nothing but invention. They had proved her falsehood where it was possible she could be contradicted. They had proved it in her account of getting leave of absence from Como. But, said the Solicitor-General—and he (Mr. Denman) had heard the observation repeated by other sagacious persons out of doors—this could not be a conspiracy, for it had not gone far enough. He maintained that, if it were true, it had gone far enough: and the circumstance of having omitted some parts, in particular situations, arose solely from this—that the witnesses were afraid to tell what they knew might be within the knowledge of others. He had heard it said, that it was always a matter of great difficulty to prove the fact of adultery itself. In general, a *corpus delicti* was a matter of inference from the circumstances of the case. He denied that in any case the fact could be inferred from such evidence as the present; but in no case could it be more clearly proved than in this, if it had ever existed. This chambermaid, who was so willing to swear against her mistress, must have had opportunities of knowing if it had occurred. Indeed, this seemed to have been felt on the other side; and De Mont, when she came to mend her evidence, spoke of having seen stains on the bed. If this were true, why had they not called the person who had made the bed for two months before? Why was not Annette Preising produced, whose evidence would have been most material to this point? Did their lordships suppose that those agents who had collected together a set of her majesty's discarded servants, who had ransacked filthy clothes bags, who had raked into

every sewer, pried into every water-closet, who attempted to destroy all the secrecies of private life, who had wrung the feelings of a lady of rank and respectability by making her, at that bar, confess her poverty, and the embarrassments of her husband—who had interfered with private family concerns, so far as to produce a letter addressed by her to that husband; did their lordships imagine that they who had resorted to such mean and filthy practices would have stopped short at producing such a witness as Aunette Preising if they thought that she would have borne out the testimony of De Mont? No: they rested upon that testimony, of which he would say no more at that moment, than that, if brought before any honest court of justice, it would have been scouted out. He now proceeded to her majesty's journey to Genoa, Catania, and several other places. A circumstance was said to have occurred at Catania, which was alleged to be decisive of the case, as it proved the fact of adultery. Her royal highness was said to have been seen coming out of Bergami's room with pillows under her arm. This rested on the testimony of De Mont; and it was surprising how in this, as well as in every other part of the case, she so shaped her story as to prevent her being contradicted by others. When asked who was in the room with her at this time, she answered, her sister; and, when asked another question, she expressed a doubt as to her sister being in the room at that time. He took that to be decisive against the truth of her story. It was impossible that she should not have known whether there was or was not another woman with her when the circumstance occurred. This was the only fact where her sister could be called upon, and therefore she left the matter in doubt, because, if Marietti were called, she (De Mont) might observe that it was a matter that had escaped her recollection. Thus the whole of this part of the case rested upon herself. She described her royal highness as having appeared confused and alarmed at being seen by her in that situation; and she stated that her royal highness had not spoken to her, as she was accustomed to do. But why should her royal highness have been confused? Why should she appear alarmed at being seen thus by a chambermaid, who had been making

her bed for months before, and who must have been aware, according to her own account, of other circumstances still more suspicious? But the whole of this story was an invention of this woman, of whom he would say nothing more at present, but that there was no part of her testimony entitled to the slightest credit. And now, leaving those two pillars of this case vouching for each other, he would come to another point of this proceeding, which would shew to their lordships that her royal highness had been made the victim of perjury and conspiracy, by those Italian witnesses, who had come over here to dethrone a queen on account of her moral conduct. The word conspiracy seemed to excite a feeling of horror among their lordships, as if such a thing had never been heard of—he would not say in Italy—but even in England, and by Englishmen. Since their lordships had commenced their sitting in this extraordinary prosecution, within the last few weeks, two cases of conspiracy were tried in Guildhall, London. One was that of Miss Glenn, a young lady who had sworn to an attempt, on the part of a young man, aided by several of his relations, forcibly to convey her away, for the purpose of forcibly marrying her. This young woman underwent a long and minute examination; and, when the judge was about to sum up the evidence, the foreman of the jury, who, he believed, was Mr. Bankes, the member of parliament, declared to the court that there was no necessity, because the jury were unanimously of opinion that the case was fully established, and they accordingly returned a verdict, by which six or seven persons were condemned. A new trial was afterwards moved for, and affidavits having been heard on both sides that application was refused. At last the parties filed a bill of indictment against Miss Glenn and her servant for wilful and corrupt perjury. The case was tried a few days ago and Miss Glenn and her servants were convicted on the clearest possible evidence. Justice was now, alas, about to be done to the injured parties; but it came too late to save the life of one of them, the sister of the young man, who had been tried and convicted with him, and who had ultimately sunk under her misfortunes. It came too late to retrieve the injury done to their affairs, but he trusted it did not come too late to operate on

their lordships; to show them that a conspiracy by persons respectable in life, much less by Italian witnesses, was not impossible, and that evidence might be so got up as for a time to destroy the character of innocent individuals. There was another case to which he might call the attention of their lordships, the case of a prosecution in which he himself had been engaged, and which was tried in the court of King's-bench against certain individuals, for a conspiracy to set up a sham commission of bankruptcy. It was the case of the "King v. Cohen," and abundant evidence was there produced that ten who were convicted, and others who escaped, were in the daily habit of false-swearing, and of receiving money as the consideration for false testimony. This happened in England, where the same persons were afterwards liable to detection, and might be brought to legal punishment. It was on that occasion demonstrated that witnesses might be hired as readily as lodgings might be hired at the west end of the town. But it was impossible that their lordships should have forgotten the case of Elizabeth Canning, and the croud of witnesses who then testified solemnly to what was grossly false. The same remark was applicable to the case of Titus Oates, whom he was content to consider as the hero of a poem only, but with reference to whom he might be permitted to allude to a period when the then duke of York was in a state of doubt whether he would or would not cast off the wife, the daughter of lord Clarendon, with whom he had clandestinely contracted marriage. In the "Memoirs of the Count de Grammont," it was stated that marriage, or at least cohabitation, had taken place between the parties. What did all this imply, but that agents might always be found to gratify the lowest passions which unfortunate princes, or individuals in high places, were disposed to indulge? It was undeniable that the facts alleged in evidence against queen Anne Boleyn were stated as distinctly—indeed much more distinctly—than were the circumstances in the testimony produced in support of this bill. It was altogether evidence much stronger and more unexceptionable. But, without dwelling on the events of a period so remote as that of Henry VIII. however similar some of those events might

be to the transactions and business of the present day, he would now advert to a period within the recollection of them all—to what passed, in fact, the year 1806. The result of an inquiry into charges affecting her majesty's character at that time was to cover her accusers with infamy and shame. The lordships, looking back to that investigation, must of necessity contemplate the process now going on with the utmost jealousy and care. When it had pleased his present majesty's government to separate the mother from the daughter, was it not upon record that this decision was founded on perjury and subornation? How otherwise were they to understand the minute council drawn up, or at least dated in Feb. 1813, and in which the letter of her royal highness, charging the existence of "suborned traducers," was alluded to? It was felt by her royal highness's advisers to be their bounden duty to declare that there had been suborned traducers, but that an illustrious person stood acquitted of the subornation. Without charging any conspiracy now, he would venture to say, that if any place or country was to be selected or preferred as the scene of a conspiracy, and that the selection and preference were judiciously made, the scene would certainly be in Italy. It was there that the means presented themselves—it was there that cunning and artifice thrived—there that price was openly set upon an oath—there that every infamous purpose might by bribery be carried into effect. They were now inquired into the transactions of six years, and guided only by the light of Italian evidence. Could they as men of the world, as men acquainted with history, imagine for one moment that the information given to them by witnesses for the prosecution was not given with the countenance of immediate favour and the hope of further reward? He would refer them at present to the evidence as to what passed at Savona and in the course of which it was sworn that two persons had certainly slept in one bed there. The only ground upon which this fact was stated was a former deposition of De Mout, in which was utterly unsupported by her testimony at their lordships' bar. So with regard to the allegations of an illicit and adulterous intercourse taken place at Varis and at Lugano, no wit-

ness from Lugano had been called : he meant not to cast blame on his learned friends on the other side, but he did think they ought to have been prepared with that branch of the evidence before they made the charges which, in pursuance of their instructions they had felt themselves obliged to make. The riot, as it had been called, which took place at Dover, happened in June last ; and how was it that his learned friends, during the long interval between June and the seventh of September, had neglected to reassure the spirits of their witnesses, and discover some opportunity of bringing them over in safety ? Material witnesses might sometimes be lost by accident, but was it credible that accidents had operated here ? his learned friends on the other side, with all their ability, had failed in one of their chief attempts—that of proving guilty conduct on the part of her majesty the queen at Naples. It was with a great degree of confidence, that he now proceeded to examine more minutely the character and nature of the evidence on both sides. He would, however, previously remind their lordships of a passage in Roger North's life of his brother, Sir Dudley North, a merchant in Turkey, and in which it is observed, on the ground of the Turkish merchant's experience, that " before the Cadi false evidence was a much surer ground to go upon than true, for a witness of plain honesty would not stand under the captious questions which were sometimes put to him." It was remarkable that in all the humorous scenes described by our great dramatic poet, whenever he had occasion to paint the character of a man anxious to blacken the reputation of an innocent wife, he chose his scene in Italy. In one of his productions it was represented that a thousand ducats was given at Messina for the evidence of a person who was to swear away the honor of a woman. Their lordships might do well to refer to the character as there developed. The passage which he now alluded to was as follows :—" Which be the male-factors ?" " Marry that am I and my partner." " Now write you down that he says he has received a thousand ducats for accusing the lady Hero wrongfully." " Marry, Sir, they have committed false report ! moreover they have spoken untruths ; secondarily, they are slanderers ; sixth and lastly, they

have belied a lady ; thirdly, they have verified unjust things, and, to conclude, they are lying knaves. (a laugh). He hoped this last quotation would not be considered altogether inapplicable, taken as it was from the last act of a celebrated comedy, called " Much Ado about Nothing." (a laugh). He now came, however, to a closer examination of the evidence—evidence of a kind which had never before been so amply remunerated. It appeared upon their minutes that Gargiulo's vessel had been hired by her majesty, with all its crew, at the rate of 750 dollars per month ; this in fact, was the sum to be paid for the use, and the exclusive use of Gargiulo's ship. But the captain, being in the employment of a royal person, looked forward to something else, and limited his expectations to a sum of 6,000 dollars. Disappointed in those expectations—and through the means of Bergami—coming over to this country to enforce his claims, was it not probable that he should consider the attainment of his object as likely to be facilitated by the evidence which he gave on this occasion ? It was idle to suppose that any witness for a prosecution of this nature would come forward with a mind perfectly unbiassed. On that account alone it became necessary to require evidence the most pure and the most unsuspicious that could be obtained. An improper intercourse was alleged to have taken place between her majesty and Bergami, or rather it was alleged that they were observed sitting together on a sofa, and under an awning, with a view to that improper intercourse. If this representation were true, the parties could not have adopted a surer mode of proclaiming to the world what their intention and purpose were.—Kisses and caresses were spoken of, and really such evidence deserved the pay which had been received for it. But how was it that only the captain and the mate, the uncle and the nephew, should appear to corroborate a story of this kind ? Was it not probable that the uncle had said to his relative—" There never was a happier prospect for the family ; here is already an allowance offered of 800 dollars a month for yourself ; and, as for me, I am to receive a thousand ?" He put it then to their lordships, whether evidence given under such circumstances ought not to be admitted with sus-

picion and distrust? "Come to England with me," quoth the uncle, "there is a process going on which will continue at least for a year, and in which you and I may be material witnesses." It was very singular that they, and they alone of all the individuals belonging to the polacca, should be called to speak to the indecent acts mentioned in their evidence. The crew was composed of twenty-two persons, and not one of them appeared to confirm the story told by the captain and his mate. He would contend before their lordships that the absence of all that crew was in itself proof of criminality on the part of the prosecution; and was in itself an acquittal of her majesty. It was a most shameful thing to have drawn any gross inferences to the prejudice of her majesty, without previously examining lieutenant Flynn, who was on board the polacca at the same time. When it was represented too that English ladies and gentlemen were driven from the society of her royal highness in Italy, by prevalent rumours and reports, it was obviously incumbent on the other side to bring those English persons forward to render their testimony as to the foundation and authority for such rumours. How could they otherwise trace such reports to their origin? There was no judge in this country who would allow the statement of rumours to be put in evidence against any man standing upon his deliverance before a jury. His first observation would be, that such rumours might be the offspring of malice, and of feelings in which the prosecution itself had originated. Some might listen to them with a servile readiness of belief; but he would repeat before their lordships, that the evidence of lieutenant Flynn ought to have been taken before this prosecution was instituted. He had been taken on board the polacca, not because her royal highness wished to avoid English society, but because she wished that an Englishman should be about her on a voyage with a Sicilian crew. She had therefore applied to Captain Briggs for an English officer to attend her. Her voyage from Syracuse to Jaffa was then undertaken, and on the journey afterwards to Ephesus, no impropriety was alleged to have taken place. Majocchi was the only witness

to this part of the case: he described her royal highness and Bergami in the vestibule of an ancient ruin, but neither De Mont nor Gargiulo gave any confirmation to his statement. He would now proceed to call their attention to page 705 of their printed minutes of evidence; to a part, in fact, of the evidence of lieutenant Hownam.

Lord LAUDERDALE now rose, and suggested that a short delay might be convenient and necessary to the counsel, to do adequate justice to the defence.—Mr. Deunman, in consequence, retired for three quarters of an hour.

Mr. DENMAN, on his return, then resumed: He would, he said, proceed to draw their lordships' attention to the period to which he was alluding when they were good enough to allow him to retire from the bar for a short time. At that period her royal highness was about to carry into execution a design she had long formed for visiting the Archipelago, the Grecian Islands, the ruins of Athens, and Jerusalem. On that occasion she hired a polacca in Sicily, which carried her out to Jaffa, and afterwards brought her back to Italy. In the course of her journey to Jerusalem, she was frequently obliged to rest in a tent, which was carried from place to place, for that purpose. She was, at this time, in a foreign land, surrounded by foreign attendants, exposed to danger from the uncivilized inhabitants—and, thus situated, she was reduced to considerable hardships—not imaginary hardships, proceeding from fear, but real and unavoidable difficulties. In the midst of those hardships she lived on what he would call terms of delightful familiarity with all those who accompanied her. In the course of the day, after the fatigues of the journey, which was performed in the night-time, were over, she rested under the tent of which he had just adverted; and his learned friends, who supported the bill, had made it a prominent part of their case that she had reposed under the tent in one bed, whilst Bergami, in the same tent, reposed on another. This was one of those facts which illustrated, more clearly than another, the necessity of exercising that caution, in viewing this case, which he had endeavoured to infuse into their lordships' minds; because

It was quite clear that the fact might be stated in such a manner as to raise the suspicion of guilt in the first instance; but he thought it was equally clear when the real state of the fact was made known, that, for this suspicion of guilt, not the smallest foundation, in truth and honesty, could be pointed out. During the two days and a half in which this journey was performed, Majocchi told their lordships that her royal highness and Bergami rested under this tent. But he had omitted a matter of great importance—he had omitted the essential fact, which other witnesses had spoken to; namely, that the countess of Oldi was also under this tent, and that the child Victorine was almost constantly there. Majocchi had likewise, in his direct examination, passed over another fact, which was afterwards disclosed in his cross-examination—the important fact that he, Majocchi, and another servant, were in the habit of taking rest in a second tent, contiguous to that which her royal highness occupied, and which commanded a view of all that passed there. How long at a time she remained on horseback during this journey, Majocchi, that honest witness, could not state. It might, he said, be two hours, or it might be many more. But the fact, as stated by lieutenant Hownam, placed the circumstance in its true light. He had told their lordships that her royal highness was very much fatigued by her exertions on this journey—that she wanted support to prevent her from falling from the animal on which she rode—that she proceeded with a great deal of labour and difficulty, and that, more than once, she had fallen asleep on her way: the consequence was, the moment the party encamped, she retired to rest in the tent. Under these circumstances, was it possible that he should be called on to argue that this was not a case of adultery? Was it possible that one mind could be found so uncharitable, so uncandid, so unjust, as to adhere merely to the words in which a fact might be related, while it lost sight of the *bona fide* meaning and intent of the transaction referred to? He defied any honest man to lay his hand on his heart, and, having considered the circumstances, to say that adultery was committed on this journey by laud. He should, he conceived, uselessly waste their lordships' time by

farther observations on this point. Not but that attempts had been made on the other side, by the introduction of other circumstances, to prove criminality here. But the failure of those attempts was evident; they only showed that the facts were not sufficiently strong to sustain a criminal charge, and that the proofs advanced were not of such a nature as could induce their lordships to come to the conclusion that a guilty intercourse had taken place. Were the beds regularly made? or were they regularly prepared? that, he believed, was his learned friend's expression, to lead to a belief that what was understood by a regular preparation of beds, in matrimonial cases, occurred in that which they were now considering. But the preparation here was of a different kind. Though the beds were prepared, there were no bed-clothes, no curtains, no bed-linen. They were made in no sense like that in which his learned friends would wish their lordships to suppose; and beyond this those two parties, who were said to have retired under a tent for a criminal purpose, lay at a distance from each other, clothed, entirely clothed—her royal highness throwing off her exterior habiliments, and putting on a green pelisse; and the other party throwing off his exterior habit, and putting on a blue dressing-gown; still, with only this alteration, retaining precisely the same dress which each of them had worn during the journey. Miss De Mont had taken great pains to represent this undressing, as it was called, in the strongest possible manner—she had endeavoured to show that this was proof of an improper intercourse between these two individuals. She had pointed them out as taking off their clothes, and retiring to a private place for adulterous purposes. But, from the whole of her cross-examination, it appeared that this daily encampment was conducted with as much innocence, with as much propriety, and with as much purity as could distinguish the proceedings of any two individuals in the world, even if they reposed under separate roofs. He now came to the palaeca; and he could assure their lordships that it was with no small satisfaction he came to that part of the case; because he thought it was most perfectly clear that there was no more ground to suppose that

any illicit connexion had taken place before her royal highness embarked on board that polacca, than there was for any one of their lordships to imagine that any female of his family whom he had left at home that morning, had been guilty of such a crime, merely because she had an opportunity of doing so. If the whole of the scenes at Naples were negatived—if the foundation on which they rested were proved to be untenable—if it were not only made perfectly clear that the imputations raised on those facts were not borne out by them, but that base falsehoods had been uttered, that worst species of falsehood, which gave the appearance of truth to that which was known to be a lie; if that were the case, then he would contend that her royal highness set her foot on board the polacca, without one single taint of suspicion as to any thing that had occurred before—he meant with respect to the facts that were imputed to her royal highness as crimes. He alluded not to any supposed offence connected with the elevation of a party implicated—a subject on which, however, he would hereafter expatiate; observing only at the present moment, that it was utterly impossible for their lordships to argue, that the fact of that individual's elevation was alone sufficient to guide them in their decision; for, if it were sufficient, there would have been no use in this protracted inquiry—there would have been no necessity for going into a statement of all that had happened while her royal highness was travelling; it would have been enough to have said, "this promotion has taken place—that circumstance is sufficient;" and it would have been wasting the time of their lordships improperly, unnecessarily, and indecently, to enter a detail of those facts which had been laid before the house. He had a right to say this of her royal highness, that, if there were truth in argument, if there were justice in inference, her royal highness stepped on board that polacca without any cause for doubt, without any ground for suspicion. What the conduct of her royal highness was, after leaving the polacca, he would hereafter remark on; but, if their lordships were satisfied that neither before her royal highness went on board the polacca, nor after she quitted it, there was any circumstance from which a fair and un-

prejudiced mind would draw an inference of guilt, then he called on them, in this important case of dethronement and degradation, where the evidence ought to be as clear and as conclusive as the facts were alarming and the punishment severe, to consider seriously, whether the mere possibility of criminality having existed on board the polacca should lead them to decide that this adulterous connexion was made out? The sitting up of the vessel took place while her royal highness was on shore: with that she had nothing to do. At first she slept in her cabin, according to the arrangement that had been previously made; but, in the course of the voyage home, very soon after her royal highness had gone on board, some of the horses, or other animals that were in the vessel, became troublesome, and on this account, as well as on account of the heat that was experienced below, her royal highness thought proper to take her station at night on the deck. Now, he would ask, if her majesty had been the blind victim of a guilty passion for this man, was this the course she would have pursued? Was it to be believed that a circumstance of this nature—a trifling inconvenience—would induce her to stop the tide of irresistible passion, to withdraw from his secret and secure embraces, in situations where no eye could behold what passed, and to transfer herself to the deck, subject to the observation of the captain, in the neighbourhood of the steersman, and open to the remarks of every sailor in the vessel? Could it be supposed that she would, in such a situation, place herself under a tent, for the purpose of carrying on a guilty correspondence? A tent! O, no! any military officer who heard him would correct him and say, "This was not a close tent—it was not that close and small chamber—that confined and private recess, under which such acts could be performed." This was the fact. It was the awning of the deck, hanging loosely around, covering a large space—the bed of the queen and that of Bergami, or rather the bed and sofa on which they rested, were placed at a distance from each other; and, what never should be forgotten, the hatchway was always open. This last fact was of the greatest importance—because, in the examination in chief of

Majocchi, he said, that the tent was never open at night—that it was entirely closed, shut up; but it was extracted on cross-examination, and the fact was substantiated by other witnesses, that the hatchway was always open, and all who passed above, or below, or along the hatchway, could know what was doing. The parties were sleeping as in a camp on land. Could it be supposed, for one instant, that this awning could have been used for the purpose of an improper intercourse, which his learned friends inferred from circumstances which did not at all warrant it? They were told that this improper intercourse took place in the day time, and that the awning was let down during the day. He knew not how to deal with this. If the awning was let down during the day, what was it but a challenge to all to see—he would not say the use made of it—but it was an open exposure of the mode of lying in the beds, and of the purpose for which those beds were occupied by night as well as by day. The period during which her majesty was in this situation was from the 20th of July to the 17th of August. During that time her royal highness was proved to have been extremely fatigued, and it was absolutely necessary, as lieutenant Hownam had stated, that her royal highness should be attended by some person. By what person, then, both for convenience and for every necessary purpose, could she be more properly attended than by the chamberlain whom she had appointed to provide every attention and protection which her situation required. The whole time that her royal highness reposed there she had her clothes on; no time was found when the parties were not clothed. There was but one moment when it appeared that Bergami was positively under the tent, and then he was clothed. If this were a case in which he should have to say that the case on the other side was not made out according to the letter, he should say that it was never proved that Bergami had been under the tent at night. On occasion of a storm, her royal highness was seen led down from the deck by Bergami on the one hand, and lieutenant Flynn on the other. As Flynn was known to have reposed elsewhere, there was great probability that Bergami had reposed under the tent. But of that there was no proof. However,

the bed had no clothes on, and Bergami was dressed. The inference attempted to be raised was, therefore, on that one occasion, completely negatived. In the constant use of the tent all was open and avowed; the light was given out, which was a most important circumstance, and distinctly proved; nothing was done that showed concealment or disguise of the fact; and all that appeared was, that this fatigued, unprotected lady, but the boldest of the party, found it absolutely necessary that some male person should attend near her. Two and twenty sailors were on board, and passing and repassing at all hours; two steermens regularly relieving one another; there was a constant liability to be interrupted and observed by persons below, and on every side; and yet the only circumstance which appeared was, that Bergami had been actually under the tent on the occasion which he had stated, when two gentlemen conducted her royal highness from the deck in consequence of the alarm. But, in the absence of direct proof, their lordships had a specimen of the mode resorted to on the other side, to extort from witnesses opinions and beliefs from which an inference might be drawn favourable to their object. Lieutenant Hownam, with the candour which belonged to a manly character, stated at once, when asked his belief, that Bergami did sleep under the tent. On this expression of belief being made by lieutenant Hownam, they heard a triumphant echo from all parts of the town, and they heard a triumphant murmur from his learned friends, and all that had been believed, and all that had been admitted, were to be excluded, and they were to fix on this single and solitary fact, that lieutenant Hownam believed both parties to have slept under the tent. What was he to say, if the counsel for the crown, in a case of the utmost gravity and importance, after having stated their *prima facie* case on the testimony of discarded servants, on the testimony of disgraced witnesses, on the testimony of profligate and wicked persons collected from all quarters—he would not say by what means—if, after having founded their *prima facie* case on such testimony, they then abandoned it all, and fixed on one belief, excluding all the rest out of that case of the highest criminal nature? This was conduct unheard of in the

records of criminal justice. The question as to belief might have been objected to, because it was not evidence. It was proper only as a mode of trying the credit of the witness; and because the witness gave an answer which reflected the highest honour on his credit, his learned friends founded on that answer the whole of their case. Lieutenant Hownam stated no mystery to be attached to the subject. He stated that it was necessary for her royal highness's protection that some male person should attend near her. He then stated that he considered it no degradation to her royal highness to be so attended. This opinion and belief he stated as strongly as the other. His learned friend who had so much opportunity of knowing the private secrets of her royal highness's conduct and habits during the whole period embraced by the investigation, had not once got ground for criminal inference, but by dismembering the evidence of lieutenant Hownam, and detailing his belief on one circumstance. He now came to offer some observations on the testimony of lieutenant Flynn, who had not been called, as he ought to have been, on the other side, but by them; who had not been sought for by those to whom he could have given important information if they wished for truth, but by them who were obliged to repel falsehood and perjuries. Lieutenant Flynn, residing in Sicily without office, pension, or emolument from her majesty, had not been sent for by the other side; but he saw in the public papers the fabrications and falsehoods set up against the queen of England. He had not been hired at the rate of 100 guineas a month—had no prospect of rivalling the mate of the polacca; but this brave, gallant, honourable man, came to support innocence against perjury; he came to the bar of their lordships to bear testimony to the best of his recollection and belief, at the distance of time since the transactions inquired into had taken place. It was certain that he had never been in a court of justice before, and certainly no witness ever had been more affected by the dignity of the court and the alarm that surrounded him. When he had been asked whether those copies he held in his hand were faithful copies, he said they were not faithful copies, meaning exactly that they were faithful copies. But, certainly a more nervous and

more agitated man he had never seen in any court. He was asked his belief, and a more fair and clear account of belief had never been given, because the witness referred to the facts on which he founded his belief. He had been asked as to the situation of the beds from Syracuse to Jaffa, and he answered that Bergami's bed was in the dining-room. He was then asked as to the situation of the beds from Jaffa to Italy, and his answer was, "I don't know." The reason was plain, for her majesty reposed then on deck. When Lieut Flynn passed through the dining-room to attend upon her royal highness, he had means of knowing that Bergami slept there, and though he actually saw him only once, he spoke to him behind the screen. A more satisfactory reason why he knew that he slept there had never been known. But why not know where Bergami slept when returning from Jaffa? It was because he had not occasion to pass through the dining-room in waiting in the morning on the queen. He was asked whether there had been no other distribution of the beds made. He answered, "No, it was unnecessary; her majesty did what she pleased with her sofa, and any other that had a bed on deck did the same. I had nothing to do with it." When he was asked as to his belief, he did not give a belief founded on rumour or scandal, on misrepresentation and falsehood. He did right in looking at facts, and said nothing that he was not justified in believing. No person could forget how this gallant officer was cross-examined. He did not undervalue the talents of the Solicitor-General; he held in the highest honor that greatest of legal talents, that most important means of detecting falsehood which man could display, that best shield of slandered innocence—he meant that talent of cross-examination which was often found successful in dragging reluctant truth from its lurking places. In making a witness disclose what he was most anxious to conceal, and in displaying most conspicuously those important truths which were most sedulously withheld. But that sham cross-examination which was exercised in taking advantage of the alarm and agitation of a witness—though he honoured the talent of cross-examination which elicited important truth, he regarded with a very inferior degree of

honor that sham cross-examination, either in its motives or its consequences. A paper had been produced by this witness, a paper as immaterial, nay, far more immaterial than the Trieste journal which his learned friend had offered yesterday. The paper produced by lieutenant Flynn was perfectly immaterial, whether it existed or not. It was only a statement of dates and places. The witness believing that it would be necessary for him to have those dates and places, made his clerk transcribe them. On coming to England, he found the paper so ill written, and words so ill spelled as to be unfit for use. He therefore got count Schiavini to make another. The dates were proved by other witnesses, and he (Mr. Denman) believed, that the dates in the paper alluded to were not found to differ from those given by any other witness. His learned friend (the Solicitor-General) by his powers of mind, by his great powers of countenance, and by his talent in cross-examination, had in the case of this witness got, what, if the paper and its contents were important, might lead to an inference most unfavorable to the credit of the witness; but what, unimportant, perfectly unimportant and immaterial, as the paper was, led only to the conclusion, that he was entirely overcome by his own agitation and alarm. The greatest men in the field were known to be nervous and agitated on occasions foreign to their profession. But never had a more complete illustration been given than in this instance of the power of the gown over military prowess—*Cedant arma togæ*. But no man could disbelieve the general effect of his testimony; no man, after the evidence of Lieut. Hownam and Flynn, could for a moment give credit to the indecent exposures sworn to by the captain and the mate. Here again the evidence had broken down under the Attorney-General: he had detailed a most licentious course of proceeding on the part of Bergami, who was said on the voyage from Jaffa to have made most disgusting exhibitions of his person before the queen. His own witness had contradicted him, for the captain only called them apish tricks, and Lieut. Hownam distinctly proved that those apish tricks amounted only to this—that Bergami, to imitate and ridicule some portly and pompous per-

sonage, had put some cushions under his waistcoat. Yet this was to be brought in aid of the kissing and embracing, and all the other disgusting trash which was to give a colour to this proceeding. The just conclusion from all that had appeared in evidence regarding the tent was this—that if the queen and Bergami had intended to commit adultery, they would have kept below, and would have taken especial care that no man should see them together under the tent or deck, even in the day-time, as the moral captain and his blushing mate had ventured to depose. It was not immaterial to reflect that this tent scene on board the polacca was the last rag that yet remained to cover the filthy deformity of the case in support of the bill. If it were clearly shown that there was nothing in the conduct of the queen before or after this incident that could merit censure even from the most rigid moralist, was it possible for the house to believe that on this occasion, and no other, an adulterous intercourse had taken place? On the contrary, if no such facts had been opened as the disgusting exhibitions by the Ottamite, the indecencies with the statues in the garden, the dresses at the masked ball, and the visit to the theatre St. Carlos, the house would not have permitted such a case to be brought forward; and would not any judge, if it had been a trial in our courts, have declared it wholly unworthy the attention of a jury? Let it be recollected that their lordships were now trying the highest subject of the realm for the highest crime a subject could commit. It was their duty to allow no middle course—no disgraceful compromise between their duty and their inclination. They were not to receive light evidence under the supposition that the punishment was light. The punishment was not light, it was the heaviest that could be inflicted on a queen. For his own part, without any exaggerated sentiment, which perhaps in an advocate might be allowed, he might say that he would rather see his royal mistress tried at the bar, like Anna Boleyn, for her life, than in the more perilous situation in which the queen now stood. He would much rather have to hand her to the scaffold, where she would have to lay her august head upon the block with all the firmness and magnanimity belonging to

her illustrious family, than witness her condemnation under the present charges, which would render her an object indeed of general pity, but of more general scorn; to be looked upon only as one who was entitled to compassion, having fallen by the misconduct of those who afterwards brought her to punishment, but at the same time to be regarded as a most deplorable instance of degraded rank and ruined character. The house was bound, therefore, to try the queen as if the commission of an act of high treason on board the polacca had been charged: and, thus viewing it, what would be the language of any judge regarding a prisoner, who, having by the evidence been acquitted of a great number of false and important charges, was at least accused of one single, and, comparatively, insignificant, offence—would not the judge declare on the instant, in a case like the present, that no proof existed of criminal intercourse—that the main fact had been disproved—that though the parties had perhaps been seen together in the tent, and though there might be a surmise or possibility of guilt, because one of the witnesses had hinted at such a situation yet, that all criminal intent was negatived, and that the excuse for the situation was given under the same oath that had sworn to it. A judge who, under such circumstances, did not declare that a prisoner ought to be instantly acquitted, would deserve to be impeached at the bar of this house for a gross and infamous dereliction of his duty. Was he again to go back to the bath—again to enter into the fables of Majocchi and De Mont, who in this instance only, had vouched for each other? The question was, where was the bath? One stated it to be in one room, and another in another; but afterwards it appeared to have been in the cabin; and the chamberlain, their lordships would probably think, did no more than his duty, in preparing the water, and feeling its temperature: it was merely ridiculous to suppose that he stayed to be present at the operation. Where facts rested upon the testimony of these two witnesses, they were wholly to be discredited, and the house was bound to consider the full contradiction they had received. Had any matter of crimination existed on the part of the queen, so advantageous a witness to support it had never

been brought into court as Lieutenant Hownam. He joined her majesty at Genoa when the supposed passion was at its height, and he had continued with her for about three years, during which he must have been well acquainted with whatever criminal acts his royal mistress had committed.—The other side had had an opportunity of cross-examining him, after torturing his belief on subjects of every description: and though they pretended to prove acts of indecent familiarity by two or three masons, two or three white-washers, and two or three discarded servants, they had not ventured even to suggest to lieutenant Hownam any occasion when such scenes, if they existed, must have inevitably passed before him. Both he and lieutenant Flynn gave the most decisive contradiction to all that was sworn by those much relied on witnesses, Gargiulo and Paturzo. He would now notice the evidence that related to the Villa D'Este; first, however, as his learned friend reminded him, saying a few words regarding the embrace which the queen was said to have given Bergami when he went on shore at Terracina, after the tedious voyage, to prevent the necessity of observing quarantine. All that was proved was, that Majocchi being below deck, the princess had thought proper to have him for a witness of the kiss she allowed Bergami to give upon her lips. Majocchi had taken care that nobody else should be present that he might not be contradicted; but still his falsehood had its foundation in a germ of truth; because all the witnesses agreed that Bergami kissed the hand of the princess upon deck when he took his departure, which was no more than the rest of the suite were in the habit of doing on similar occasions. He had, by accident, passed over another kiss—the kiss on Bergami's visit to Messina, about one mile from the dwelling of the princess, to make some purchases. Majocchi had thought fit to swear, that on parting on this distant expedition here again was a most affectionate leave-taking, at which he alone was present. However De Mont thought it right on this point to give her friend some slight confirmation, and accordingly she said, that there had been some kissing at their parting, but that her back was turned, and she could not tell whether the kiss was given on the hand or on the face;

The truth, no doubt, was that her royal highness had given her hand, that her chamberlain might receive the ordinary token of regard. It would be a waste of time to dwell longer on these petty incidents, and he would proceed therefore to the Villa d'Este, where that valuable member of society, and gallant officer in the army of Napoleon, M. Sacchi, was first taken into the service of the princess. It was observable, that the house had had two discarded servants, Majocchi and De Mont, to prove transactions before the tent-scene in the polacca; and two other discarded servants, Sacchi and Rastelli, to speak to events subsequent to it—to establish the most disgraceful facts that ever polluted the lips of man, and which he (Mr. Deuniau) should have thought up husband of the slightest feeling would have permitted to have been given in evidence against his wife, even if she had deserted his fond and affectionate embraces, much less if he had driven her into guilt, by thrusting her from his dwelling; recollecting that the more depraved he showed his wife to be, the more he established his own cruelty and profligacy; and the more imputations he cast upon her, the more he was to be despised for having deserted and abandoned her. He had heard examples supposed to be similar to the present quoted from English history, but he knew of no example in any history of a christian king who had thought himself at liberty to divorce his wife for any misconduct, when his own misconduct in the first instance was the occasion of her fall. He had, however, found in some degree a parallel in the history of imperial Rome, and it was the only case in the annals of any nation which appeared to bear a close resemblance to the present proceeding. Scarcely had Octavia become the wife of Nero, when almost on the day of marriage she became also the object of his disgust and aversion. She was repudiated and dismissed on a false and frivolous pretext. A mistress was received into her place, and before long she was even banished from the dwelling of her husband. A conspiracy was set on foot against her honour, to impute to her a licentious amour with a slave. and it was stated by the great historian of corrupted Rome, that on that occasion some of her servants were in-

duced, not by bribes, but by tortures, to depose to facts injurious to her reputation; but the greater number persisted in faithfully maintaining her innocence. It seemed that, though the people were convinced of her purity, the prosecutor persevered in asserting her guilt, and finally banished her from Rome. Her return was like a flood. The generous people received her with those feelings which ought to have existed in the heart of her husband. But a second conspiracy was afterwards attempted, and in the course of that inquiry she was convicted and condemned. She was banished to an island in the Mediterranean, where the only act of mercy shown to her was putting an end to her suffering, by poison or the dagger. In the words of Tacitus, "*Non alia exsul viscetum oculos majore misericordia affecit. Meminerant adhuc quidam Agrippinæ a Tiberio; recentior Juliæ memoria observabatur, Claudio fulsæ. Sed illis robur matris assuerat: læta aliqua viderant, et presentem sævitiam melioris olim fortunæ recordatione allevabant. Huic primum nuptiarum dies loco funeris fuit, deducæ in domum, in qua nihil nisi luctuosum haberet.*" The death of her father and her brother had deprived her of her natural protectors who might have stood between her and misery, "*tum ancilla domina validior: et Poppæa non nisi in perniciem uxoris nupta: postremo crimen omni exitio gravius.*" The princess of Wales had left this country after the first conspiracy had been attempted and had failed: her illustrious friends—those who had basked in the splendour of her noon-tide rays—had then deserted her. Soon afterwards rumours and reports of the most afflicting kind prevailed, and those rumours and reports at length assumed something of a tangible shape, and her majesty had been called upon to grapple with them as substantial charges, and he hoped that she had shown that they were utterly unfounded. In that situation, however, she had been deprived of her only daughter: that unhappy child was removed from the means of longer protecting her afflicted mother. In that fatal month, which blasted the hopes of England, November, 1817, it so happened that every one of the material witnesses in this case had been discharged from the service of the princess. It was then that De Mont

was sent away with all her valued secrets; it was then that Majocchi was turned away with all his fearful proofs of he knew not how many kisses; and in the same month, those two special gentlemen, Messrs. Sacchi and Rastelli, had been deprived of their situations. Thus this illustrious lady, who was supposed to have sinned with so much boldness, and to have loved with such extraordinary enthusiasm, had ventured to turn loose upon the world the four individuals most capable of proving the case against her, and of reducing her to the lowest stage of disgrace and misery. They were discarded servants, and he would say so, though in time all phrases became hacknied in the mouths of men: yet, if after the lapse of six years such testimony was to be received, he would appeal to the house in what situation human society would be placed. Reference had been made on former occasions to that bill which had for its object to make adultery a crime. The draft of it was still preserved in the archives of parliament, and excluded from the right of complaining every husband who had cohabited with, connived at, or permitted the offence of his wife. In the debates on that measure it was admitted on all hands, that it was fit that adultery should be considered a crime; but it was also held that it was far more unfit that such an encouragement to perjury—such a premium to malignity, should be held out to discarded servants. Adultery was unquestionably criminal in various degrees, but most especially so when the conduct of the husband had been unimpeachable. But when he had been guilty of immoral practices—when he had committed some flagrant breach of his duty, the feelings of mankind would never accord with the condemnation of a wife. He (Mr. Denman) never could reflect upon the condition of discarded servants with reference to the matter now before the house, without remembering the immortal words of Burke, where he directed the fire of his eloquence against spies in general, but especially against domestic spies: he said that by them “the seeds of destruction are sown in civil intercourse and domestic happiness; the blood of wholesome kindred is affected: our tables and our beds are surrounded with snares, and all the means given by providence to make life safe and comfortable, are converted

into instruments of terror and alarm.” Discarded servants had it in their power at all times to depose to facts on which they could not be contradicted. If any man should dare to swear that the noble consort of one of their lordships had got out of her bed in the middle of the night, unseen but through the key-hole or the crevice of a door, and crept to the bed of a domestic, how was it possible to contradict such a witness, who had been dismissed, notwithstanding his possession of a secret so fatal, but by the general purity of the character of the illustrious accused, and by the malice of the accuser betraying itself in the very foulness of his charge? One of the servants in the case of the witness to whom he had already alluded, being questioned upon subjects of this foul and filthy description by one of the persons who had attempted to suborn her, had given him an answer full of female spirit and virtuous indignation—an answer which he preferred to give in the original, because he was unwilling to diminish its force, and because being less known, the coarseness would be less understood:—

Καθαρώτερον, α Τριγύλιον το αιδούσι η
δισκοινα με τε σε στοματος ιχθυ.

To such discarded suborners as Sacchi and Rastelli might this answer be applied. Sacchi had talked a great deal about his being a soldier and a gentleman: he had received the reward of his fidelity on the field of battle, and one of the first proofs he gave that he deserved it, was coming forward to betray his mistress. What mighty distinction was there between treachery and perjury—between the man who betrayed truths that had come to his knowledge, in the excess of confident reliance, and the man who would invent them for the sake of a base reward? The witness who was summoned to an English court of justice was bound by his oath to disclose the truth, and the whole truth; but why, upon this occasion, had Sacchi made his appearance? Because he had been bribed to give his evidence. He had received no summons, no subpoena, and no force had been necessary to compel him; he was a volunteer in iniquity, but not for its own sake, but for the most base and sordid purposes, and was equally infamous, whether he came to disclose the real secrets of his

mistress, or to perjure himself by the assertion of what was false. The greatest of all traitors—the first apostate to Christianity and human nature—was not forsworn: he only came to betray his master; yet the execrations of mankind had followed him from that moment to the present. He (Mr. Denman) always thought of this great prototype of treachery and infamy when he saw such a witness as Sacchi advance the Bible to his lips, ready, like Judas, to betray God and man at once with the same blaspheming kiss. Sacchi was discharged in November, 1817, with all these dreadful secrets, if he were to be believed, in his possession, and at that period it might be said that the conspiracy against her majesty was already formed. If at that time there had been no Ompteda, no Milan Commission, and if the queen, instead of being expelled from her home, had left it for her own convenience and pleasure, yet even then the conspiracy was formed, and was sure of being carried into effect. But as there was a period when corruption takes place in the human heart, so there may be a moment of repentance; and fortunately, Louisa De Mont disqualified herself as a witness, by pronouncing in favour of her mistress one of the most complete and excellent pauegyrics that ever proceeded from a servant. With that unequivocal testimony staring them in the face, it was impossible not only to believe a word that she had sworn in contradiction of herself, but a word that any of the other witnesses had deposed against the queen. It was indeed a most happy circumstance that this female, who afterwards, by the persuasion of her paramour Sacchi, was induced to appear in the shattered ranks of the enemy, had thus destroyed her own and the evidence of her compeers. It was needless to refer to the precise terms of her letter, written under circumstances which incontrovertibly proved that she must have been sincere; she there spoke of her family and her sisters, whom she wished to recommend to the notice and protection of her majesty. If, indeed, what she had sworn at the bar was true, would she have been so anxious to introduce her innocent relatives to a receptacle of vice and debauchery? Impossible! Human nature could not be so depraved, so lost to all sense of decency and virtue. It was by no means imma-

terial to call the attention of their lordships to what passed yesterday, when an elderly person from the same neighbourhood of this chambermaid, who had seen in all the papers, to the disgrace of the age, these scandalous proceedings, and remarked the rare inconsistency of the testimony, and the declarations of De Mont, had come forward to depose to the fact. What could be more proper or more natural? for De Mont's declarations were in all respects consistent with her letters, and those letters alone were an acquittal of her majesty. He positively declared, that if such a witness, with such a means of knowledge, had so expressed herself in the box on a trial on a charge of this description, her evidence must have procured the instant discharge of the accused from all impatation. When a witness was thus opposed to herself—when one point of her conduct so diametrically contradicted the other—surely the most rational mode of proceeding was to consider the motives that might have operated upon her mind to produce a change, and to impel her to abandon truth. Upon this point it was not necessary for him to enlarge. When the counsel for the queen had been challenged to produce this witness and that witness, it was impossible for any man not to reflect that she had been surrounded by dangers of every kind. He would ask, if her majesty had been accused, only two years ago, of the crimes now laid to her charge, she could look to any creature for a defence and protection with more assurance than to the writer of those passionate letters? Yet at this moment she was one of the principal persons brought forward to destroy that character and sully that virtue, which she had again and again acknowledged. This of itself was a marvellous lesson, and a most singular and providential proof of the necessity of over-riding the unsuspecting confidence of the queen. On this account it became necessary for her counsel to determine where no case was proved, not to meet imaginary evidence, but to content themselves with clearing her majesty from all that had a shadow of testimony to support it. They had held it unwise to expose her innocence to the possible treachery of the sister of De Mont, or to submit that sister to the perils of a cross-examination. Some little forgetfulness—some trifling slip—some unconscious error on a point that had nothing to do with the real merits of

the defence, might give the other side an important advantage over a weak and timorous female. For this reason he trusted that the law advisers of her majesty would stand excused to all mankind for resting the defence of their illustrious client on such evidence as would have satisfied the utmost severity of a court of justice. Perhaps too great a compliment had been already paid to the case in accusation by production of any evidence to meet it; for had the question been agitated elsewhere, a judge might have been called upon after the prosecution had closed to direct an acquittal. They had all felt it, and only the remarkable nature of the case had induced them to deviate from the course they should otherwise have pursued. But as there was no end to human incredulity, the Attorney-General would no doubt make many acute observations on the absence of witnesses for the queen. He would ask, where is the sister of De Mont, Mariett, and some dozens of servants, who might have been called, and who might, by possibility in the perplexity, irritation, and confusion of a cross-examination, be entrapped into some trivial mistakes. Of this the house had already had some experience. What a triumph had been proclaimed on the production of a piece of paper by lieutenant Flynn, which was not of the slightest use, but which, it was asserted, had covered him with everlasting infamy. It was curious to look at the cross-examination of this brave officer: the last question, after which he was dismissed as if unworthy of further interrogatories, had reference to the paper he had produced: it was, "Did you not say that it was your hand-writing?" In fact he had never said so, but it was put into his mouth as if he had, and the witness incautiously adopted it. It then became utterly impossible for him to deny it, though he might fairly enough reply, "If I did say so, it was because I was in such a state that I could not give my attention fairly to the question." With this experience before their eyes—with this example of lieutenant Flynn, who in all the government newspapers was said to have destroyed a wretched cause by his still more wretched failure, in their recollection, it seemed to him that his learned coadjutors had exercised a sound discretion in not calling further evidence. They had thought that after the proofs—the undeniable

proofs—they had already given of her majesty's innocence, they should do wrong to expose nervous females to the hazard of a cross-examination—when nothing was wanted for the defence, and every little point extorted was important to the prosecution.

The learned counsel was about to proceed to some other parts of the case, when he was interrupted by the earl of Liverpool, who moved the adjournment, observing, that it was now past the usual hour.

Adjourned at four o'clock.

WEDNESDAY, October 25.

The house met at the usual hour, and counsel were soon afterwards called to the bar.

Mr. DENMAN then proceeded as follows:

My lords—In referring to the evidence, I shall next advert to that part of it upon which the whole of this charge originated—I mean the engagement of that individual at Milan in the service of her royal highness, whose name has been mis-stated in the bill before your lordships, and whose name has appeared so frequently during the whole of these debates. I think it appears that he was engaged in the course of the month of October, 1814—undoubtedly he was engaged in the meanest capacity; but it is material to observe, that no person ever entered into any service, I may say with higher recommendations to confidence and esteem, with better prospects of favour, or with stronger hopes of being raised with rapidity, than this individual. Mr. Craven states, in page 583, the very extraordinary recommendations with which he was introduced to his notice by the noble marquis who was appointed to wait upon her royal highness in the character of chamberlain; and the house will not fail to recollect the vicissitudes to which all ranks were exposed in the course of the changes which marked the eventful period of 1814. The individual in question had served in France from the commencement of the French Revolution, and having been promoted in the French army, was upon terms of the greatest confidence and intimacy with persons of the highest rank. He had been reduced, however, by the misfortunes of the times to seek his livelihood in a lower

situation. Your lordships will not forget that it was stated by Sir William Gell, in page 549, notwithstanding these misfortunes, that he was treated with the very highest distinction by the marquis Ghisliere, and that he was saluted in the way in which gentlemen of equal rank salute each other in that country, and your lordships will not be surprised at this testimony of respect, when you recollect the manner in which he was spoken of by the count Feuille. I am not, now, however, called upon to justify Bergami; on this occasion it is not necessary that I should enter into all the particulars of his conduct. The mode in which he was presented to her royal highness is alone important here; and I think it impossible to advert to this part of the evidence, without saying he was precisely such a person as any employer would be happy to receive into their service, and assiduously to watch for an opportunity of advancing. My lords, in the course of the following twelve months after he had been engaged, he received that promotion, which his friends had expected would be reserved for him. From courier he was, upon his arrival at Naples, advanced to the situation of page; and here it should be remarked, that a courier to a royal person does not wear a livery, but a uniform. The dress which he wears is, in no respect, like the livery which an ordinary servant wears. However, at Naples, as I have already said, he was promoted to the situation of page. In the course of the year he was advanced to the rank of equerry; and, before that year was quite completed, I believe, he became chamberlain to her royal highness. Now, my lords, I certainly do not mean to say that it would not have been very desirable for her royal highness to have placed in this high situation a person of elevated rank; but then let it be considered whether she had the means of accomplishing such a desire if it had been formed; and whether any English person of noble rank could have been found to enter into her service at such a period. Does it not appear, in the first place, with respect to Mr. Craven, that although he was engaged in that situation, yet that he was obliged to quit her royal highness in order to attend upon his mother; and also, that when the projected long travels were spoken of, Sir William Gell, from the infirmity by

which he was afflicted, felt it impossible to become the companion of his royal mistress. Under such circumstances, I do not know how it was possible for her royal highness to have done better, deprived as she was of the assistance of any person of rank, to have advanced this individual in her confidence, and thus bind to her interests a man of high and honourable character. By conferring that obligation on him, she ennobled him with the privileges of royalty, which she was perfectly competent to do. Your lordships will not forget that the personal prerogatives of persons in high situations entitles them to confer titles and honors upon those whom they may chuse to select for their favors. And the individuals thus distinguished by them, and received by them into their company, become entitled to the respect due to the rank which they have conferred. I do not, on this account, stop to inquire whether captain Pechell had formed a just determination in not having sat down with one who had been elevated to the society of her royal highness; but I say that, in my estimation, no individual could suffer in character or estimation by entering into the society of a person so distinguished as to have been selected by a royal personage as an object of favor. My lords, it is proved by the evidence of Mr. Sicard, as well as that of the gentleman, who, acting as chamberlain, attended her majesty to Naples, that it was thought necessary she should have a guard placed near her; and it is an important fact that in the arrangement of the apartments of her royal highness at Naples, as the cabinet opened into the garden, it was thought necessary, upon that account, that some person should be placed there to protect her royal highness, but without any knowledge on her part, he is placed in that cabinet adjoining the garden, and there he discharged faithfully and honourably, the service imposed upon him—a most important service, he uses nobody can doubt, who reads the whole of the evidence, but that her majesty was surrounded by persons most ill-disposed towards her, almost from the moment when she first quitted this country until her return. It is quite clear that her royal highness entertained that apprehension from all that passed. When this individual had performed the service faith-

fully and well as her royal highness's guardian upon that occasion, I ask if any thing was more natural, than that on the departure of Mr. Sicard for England, that he should be promoted to be the master of the household, for it appears by his previous situation, that he had been in the habit of keeping accounts. My learned friend, (the Attorney-General), when he opened the case, laid particular stress upon this circumstance, and asked, "Whether any good reason could be given for his promotion?" But I think a complete answer is to be found in the evidence. Have not your lordships frequently felt it your greatest pleasure to have the opportunity of promoting a deserving person. It was of importance, that some person should be engaged to overlook the accounts of the household—such a person was wanted—here it could be done without displacing any one. It is in the evidence of Mr. Sicard, and it is a most important fact, that he left her royal highness because the state of her pecuniary concerns required a journey to England—he left her without any wish on her part to bring any other person into his situation. But it is not till after he left her, whom I may call the clerk of the accounts of her household, that this guard of her person was promoted to the situation which Mr. Sicard was compelled to leave. It has been said, that he was introduced into society by her royal highness in a manner very different from Mr. Sicard; but it should be remembered, that we are talking of a person who had been in a military situation for several years, who was particularly noticed and recommended to her royal highness by the Marquis de Ghisliere, and that therefore, however honorable the conduct of Mr. Sicard was, he could not have been introduced into the society which this individual was, who had been in a military situation, which he had lost by the events of the war, and coming as he did into her royal highness's service recommended as he was. But my lords, one of the duties imposed upon this individual by his office was, that of hiring and dismissing the servants of the family: from the moment he entered upon that part of his duty, we may be sure a host of enemies would be raised against him; and accordingly you find the minutes of your

lordships are filled with the evidence of discharged servants. He would be sure to be assailed by those who had complaints to make, either that their wages were too low, or from some cause or other it is easy to suppose they would have no great kindness for this individual, whom they might consider as having no greater title to promotion than themselves. But I ask with confidence, if her majesty had any opportunity of promoting any other individual with so much propriety, if there was any whom she could suppose would look honestly to the duties of his situation. My lords, it appears to be the misfortune of her majesty, that her most virtuous feelings are turned to her prejudices. It is well known that before her departure from this country, she had a great affection for young children: with this disposition she had taken particular notice of the child Victorine, and there could be nothing more natural with feelings like hers, that she should do so. It does not appear, as my learned friend, the Attorney-General, opened, that this was an illegitimate child of Bergami, he being a married man; and my learned friend mentioned that as being stated by her royal highness. This is totally without any proof; and yet this is one of the circumstances which is brought against her. When her majesty first arrived in this country, she took a child under her protection, which she considered to be in want of a protector—and nothing can mark her character more properly than this—yet this was made the ground of an inquiry in 1806; and I have no disposition to say that the inquiry was improperly instituted. But nothing was so fit, so correct, as this promotion—and as a proof of innocence, and a denial of guilt, nothing so fit and proper than that the promotion should be openly and publicly made. It became absolutely necessary, if her majesty meant to preserve her consistency of character, that the individual who filled that rank in her household, should be presented to her visitors and all the world as filling that situation. What would have been said if she had not done so? It would have been said that a suspicious appearance was given to it; if he had been still kept as the courier, and had skulked in the kitchen, and not ap-

peared in the parlour in the course of the day, why it would have been said he was kept for the object of a disgraceful passion. What would not have been said if this alteration in his situation had been concealed from captain Briggs; if, when she went on board the same ship where he had appeared in an humbler capacity, she had now not suffered him to appear at her table—would it not have been said she kept him to enjoy her stolen hours of lust, but durst not avow the promotion she had made; that she was afraid of showing the person she had promoted before the English, though she was not afraid of showing him before the Italians. I put it boldly before your lordships, that that was the very cause why her majesty felt herself called upon to support her appointment. Then it has been represented that he was an individual loaded with honours. Your lordships very well know, I think, that the honours of a baron are exceedingly different in those countries from what they are in this;—there very few, indeed, can be traced to the early history of their country; they can be obtained for a few hundred livres. It is rather a negation of rank not to have them, than any great promotion to enjoy them. And if her royal highness thought proper to put this individual in a high situation before this, then it was perfectly proper that some title of honour should be obtained for him. On the continent, the honours of a baronetage are not so great as in this country; there are very few of my learned friends, I believe, who have been in the habit of receiving letters from the continent, who have not been distinguished by the title of my lord. During the progress of this very bill, Mr. Vizard received a letter from a relation of one of the witnesses, in which the writer requested that apartments might be procured for the witness, “as near as possible to his lordship’s palace.”

Now, my lords, there is another offence which appears on the face of this bill, and it is, that, when this person had the controul of her royal highness’s household, his relations all entered into her service. Why I cannot conceive a thing more natural: it seems to me that this can only have been brought forward in the extreme anxiety of some persons to make every

thing a matter of charge against her royal highness. Does it appear that she knew of the relationship existing between Bergami and many of the persons who filled offices in her household. Does it appear that she knew of the person in the stable being a relation, or any of the others who were employed in lower situations in her household. There is not the smallest proof of the fact that it was done with her knowledge. If it was done by Bergami alone, I should say he acted most properly in so doing. But, my lords, in this case there was nothing like a concealment of the promotion; nor can I conceive a reason why there should have been; I think nothing could be more prudent or more proper than his elevation; I think it was consistent, and I think it was proper. There was no other individual who could with so much propriety have been placed in that necessary and indispensable situation then in the service of her royal highness; and I will here say, that the elevation of this individual is almost the only circumstance that can now be relied upon as a proof of guilt. Well then, my lords, it appears that between the period of her royal highness’s leaving Naples, and her going on board the palacca, he had become her chamberlain: in that character it was his duty to attend constantly upon the person of her royal highness—to guard her by night, and to attend her by day—to be constantly within call, and always at her command: this was his duty, and this was done regularly, without any attempt to disguise it from the eyes of any of the persons surrounding her royal highness. It is too much to impute it to any thing like the inference which my learned friend has drawn from it. I shall now take the liberty of adverting to the evidence respecting the palacca, for that is almost the only part of the case which my learned friend can touch. I did not, yesterday, do justice to the witnesses, to whom I alluded in his statement on that part of the case; for so far was he from leaving it to surmise that a criminal connexion took place upon that occasion, that I think he endeavoured to make out the distinct fact as within his own knowledge. This witness was no other than Majocchi; and your lordships will find, that it was not thought suffi-

cient to call upon your lordships to pronounce a verdict of guilty, upon the presumption of a guilty intercourse, but he is also called to prove the fact of a criminal connexion having taken place. In page 26 of the evidence, your lordships will find the witness Majocchi say, he was sitting under the tent in the cabin, and he heard a noise: he is then asked what that noise resembled: he says, "why it appeared to be a creaking noise in the tent." And then, with that admirable talent for mimicry, he gave your lordships the sort of noise which he said he heard; this is a pretty account, and a parallel with the powers of his eyesight, where he gave an account of what he saw, when he said he saw her royal highness passing four times through his chamber to that of Bergami's, for the express purpose, one would suppose, of his seeing her. It is necessary to allude particularly to this part of the case, for it is rather unfortunate for the story which this Majocchi tells; for on this occasion he states, that he was sleeping on a sofa in the cabin, while it was perfectly clear, in alluding to this, that there was no sofa on which it was possible for him to sleep. Your lordships will find in page 109, Paturzo says, so far from Majocchi sleeping in the cabin, that he slept in the hold; it appears he was subject to sickness, and of so painful a nature, that Paturzo says, there was actually a hammock slung for him in the hold, and in that hammock was his place for sleeping, so that instead of sleeping in the cabin on a sofa, he slept in his hammock in the hold. In page 708, lieutenant Hownam in his evidence, distinctly states that there were only four sofas on board—two of them were kept in the cabin of her royal highness the other two in the cabin of the countess of Oldi; therefore to have heard this extraordinary creaking he must have got either into the cabin of her royal highness, or that of the countess of Oldi. How can I disprove this sort of twin fact of his eyesight and hearing? Now, my lords, I adverted yesterday to the evidence of lieutenant Flynn. He stated that he believed Bergami slept, during the voyage from Tunis to Jaffa, in the dining room; and it is remarkable, in looking minutely at the evidence on the other side, that the belief of lieutenant Flynn was

derived from considerable probability. It is stated, I think, in p. 109, by Paturzo, that Bergami slept on the voyage to Jaffa in the dining-room. He says there were two beds in the tent; the princess slept in one. He is asked whether Bergami slept in the other, and he said he did not know; when the tent was down he did not know whether Bergami was under the tent, for when the tent was closed he could not see. There was a great many horses below, which made so much noise, and there was such a smell, that the princess could not bear to sleep below. He states further, "that the cabin was divided into two, out of which one was a room formed as a sleeping-room for the princess, and the other for the countess of Oldi, and the bed of Bergami was placed in the dining-room." There were these two bed-places in the voyage from Jaffa. He answers to one question, "the bed of the princess remained where it was; as for the bed of Bergami, when he got up the bed was rolled up; but I never paid any attention whether it was there or not." So that his evidence is perfectly consistent with the account given by lieutenant Flynn, that the same arrangement might have continued on the voyage homeward, which was made on the voyage out; that the same bed in the cabin, which was occupied by Bergami on the outward voyage might have been slept in by him on their return. I have another witness whose testimony, though in some points it needs support, yet, when it is given in favor of the princess, will not, I suppose, be impeached. In p. 292 madame De Mont is asked, "what became of the bed which had been occupied by Bergami in the dining-room? I do not recollect." Then I do infer from that, that the same arrangement took place homeward as outward. It is perfectly consistent with the evidence of lieutenant Flynn, that he slept in the dining-room. My lords, it would be too much to infer that Bergami did not sleep there, because lieutenant Hownam had seen Bergami handing the princess down stairs, and that he believes he slept in the tent, because he heard others say that he did. My lords, what could be more natural, than that when the weather was perfectly calm, to find that some of the females attendant

upon her royal highness, who kept their stomachs, should remain in the tent; but that when there was rough weather, or any alarm, any fear of pirates or of the crew—for a Sicilian crew are not sometimes very fit to be trusted, no, not for an hour, in those seas—that then she should have some male attendant about her? What more natural than to have a person whom she had promoted, and who was in duty bound to be in attendance on her? It may be said, why not have had lieutenant Hownam or Flynn? It would have been as well no doubt. But at such a period it would be their duty to take the vessel out of the hands of Sicilian mariners, and place it in the hands of those who in all situations are the most proper. It does not appear to me that any person should have been there who was liable to be called away at the very moment of time when they should render her the assistance which her situation required. It is in evidence, that her royal highness never took off her clothes in the course of the voyage. I dare say there was no one individual who was in attendance upon her but what was permitted more frequently to indulge in a change of clothes than herself.

My lords, a great deal was said as to a bath which her royal highness took on board the polacca, but what if it is shewn to have been an impossible thing, and that the account, as given by some of the witnesses, has been contradicted by others, and that she who contradicted Majocchi, must I think be credited, because she has shewn a disposition to give the most malicious effect to every thing that could be stated against her royal highness. It is supposed that Bergami was below stairs with her royal highness—De Mont was only called to attend her. Why, it would be quite absurd and ridiculous to suppose a lady of forty-eight travelling in a polacca in the Mediterranean sea, attended by the persons whose duty it was to attend her, and to infer a criminal connection taking place under a tent, because Bergami prepared a bath, and sent a maid-servant to attend her with clean linen afterwards. In the dining-room curtains might have been placed, or a screen might have been perpetually placed, while the person who was attending might be in the next room to give a supply of water if necessary,

but without the slightest idea, or the slightest possibility of seeing what the woman was about. Now the witness I would call to prove this fact is, I think, Paturzo. [The learned counsel here referred to the notes of the evidence for a few minutes.] My lords, I am extremely sorry to detain your lordships a moment while I turn to the evidence as to this fact. I hope I shall receive your lordships' indulgence. My lords, I will just observe, while some of my learned friends point out the part, that there is an Italian witness, who said that her royal highness and Bergami, when in their respective beds, could see one another; it is in p. 95. I believe, in page 112, it is in the evidence of Gargiulo—"What kind of a bed was it that the princess occupied, was it a single or a double bed?" "two sofas joined together, that would make together six palms and a half; it was about the breadth of six feet and a half." That is proved by Gargiulo. Then Paturzo says as to the size of the room, which I will refer your lordships to presently. I am reminded, that on board the polacca—this is in contradiction of Majocchi, if it is worth while to state any thing for the purpose of contradicting him—he denies any communication between the cabin of her royal highness and that of the countess of Oldi. That is contradicted by several of the witnesses.

My lords, the next part of the case to which your lordships' attention was called in the opening of my learned friend was, what was to be proved by Sacchi as to his arriving in the night from a journey to Milan. When Bergami came, not from his own room, but from some other room—inferring most undoubtedly that he had come from the bed-room of her royal highness upon hearing that Sacchi had arrived. But when we come to look at the evidence which Sacchi gave upon that occasion, it by no means makes out the statement of my learned friend; so far from saying that he came from the room of her royal highness, he expressly states he came from a room of which he did not know the occupier, therefore it is impossible to suppose it was her royal highness's. "I returned immediately after midnight; I dismounted from my horse; I went into the kitchen, where I found a footman, whom I asked where Bergami was; I

mounted the stairs, and went into the anti-room of the apartment of Bergami; I found a servant of Bergami asleep, and I went towards Bergami's bed-room: finding the door open I went in, and saw the bed of Bergami tumbled, but there was nobody in it." I will here observe to your lordships, why was not that servant called to confirm Sacchi. "What did you do? I went away, and in going away I heard a noise on the opposite side, and at the same time I heard 'Who is there?' then I knew it was the voice of Bergami, to whom I answered, it was the courier returned from Milan. Bergami told me there was no such necessity to give him this answer. Bergami was at that time in his dressing gown: I saw only about his breast, which was unbuttoned, or untied, and I saw nothing else but his shirt. I saw him in a room where there was a door opposite to the door of his room. I could not see where Bergami came from on account of the darkness." "Where did that door lead to which you have mentioned, which was opposite to Bergami's room? It led into more rooms." "Who occupied those rooms? No one." "Do you know what rooms were beyond those rooms; do you know where the princess slept? I do not." And this is the evidence from which it is to be inferred that he came from the princess's bed-room. But in a subsequent part, page 431, the same inference is to be made, and the period, how much later we do not know, when the same witness returned from carrying a letter to General Pino, and delivered a verbal answer to the princess, the witness says that Bergami was seen coming from the place where he was seen on the former night, near to the anti-room of her royal highness.—"Where was the princess when you delivered that answer? In her own anti-chamber." "Whereabouts in that anti-chamber? Immediately after mounting the stairs, by turning to the left there was a corridor, and by turning again to the left hand through this corridor, after a few paces, there was on the left the anti-chamber of the princess." "Was that anti-chamber of her royal highness near the place where you saw Bergami? It was near the place where I saw Bergami." Now, is this consistent with common sense? I venture to say, that the thing stated

by Sacchi is perfectly impossible; and no reasonable mind can draw such a conclusion as is attempted to be drawn. I think, therefore, that that particular case is entirely got rid of even on the evidence as given by Sacchi.

My lords, I proceed to look to a further statement which was made, and I would call your lordships' attention to the mode in which it was introduced. My lords, the evidence I now point to is described in page 90; the bath-room is described as being only from six to seven feet large, and Majocchi is asked as to its furniture; he said there was a sofa bed there; the room was from six to seven feet large, and in it there was a sofa bed; the sofa was six feet and a half long, and yet it was in this room that her royal highness was supposed to have taken the bath; is not this a most effectual contradiction? If it is not, I know not what is. There is a list of sixteen overt acts, if I may so call them, three of them rest on the evidence of De Mont. What occurs at Naples, the night of the masked ball, and the scene in the corridor, rest upon her evidence alone, upon evidence which is wholly incapable of being contradicted from any other quarter; but, as far as opportunities have been given of contradicting the evidence in support of the bill, it has been effectually done. Then there was opened by my learned friend the scene in Catania, but that is proved by no other person. I am now going to call your lordships' attention to a part of the evidence of De Mont; it is to the night her royal highness passed at Charnitz, and to that important part as to the marks on the bed. Here is a lady supposed to have gone to bed, and to have been disturbed in the middle of the night by a gentleman who had long been in her household; the maid-servant is sleeping in the room with her lady, and, on this gentleman's arrival, she is turned out, and the gentleman is supposed immediately to enter as naturally as if it proceeded from a matrimonial connexion; now that must be the impression sought to be produced by this part of the case. This is represented as if this had been a place where all the comforts of life were attainable, as if there had been no bustle, no breaking up of the party, as if there had been a long delay, and the lady had been undressed for the purpose of going to bed, and the gen-

de man had undressed on going into the room. Now all this is inferred and supposed to have been the case, that he had gone to bed in the same room; but we have shewn that the witness who attempted to prove this was not entitled to belief—we have done more, we have proved at present, in a way that it is not possible to doubt, that De Mont is not entitled to credit at all; and we charge her with malice and corruption, and that she has endeavoured to deceive my learned friend in stating in general terms such a circumstance, the effect of which must have been removed, if she had stated all the circumstances which were within her own knowledge. Now what are the facts of the case, and how are they proved; it is perfectly true that Bergami returned from Inspruck, where he had been to obtain passports long after it was dark; he returned between one and two in the morning. It is perfectly true, no doubt, that De Mont left her bed; and it is equally clear by the evidence, and cannot be denied, that the whole party were in motion, and left the place as soon as possible after the return of Bergami, at least as soon as word was brought that the snow was removed from the roads. Her majesty was then on her journey to the palace of Radstadt, which she was not permitted to enter; though, in the course of her journey, she seems to have been received with the respect and attention which was due to her virtues and her rank; but there being some irregularity in her passport, she was obliged to take up her abode in a miserable inn, wholly incapable of affording accommodation for her majesty or her suite: so miserable was the place, that we find straw was laid down in the corridor for some of the inferior servants. It does not appear that any body went to bed, except the princess and De Mont; the evidence as to this part of the case is in pages 301, 322, and 323. All that is stated by De Mont is, "We went to bed at ten o'clock. I had a small bed in the same room with the princess. Bergami returned about midnight. I do not know the exact time because I had already fallen asleep. On the arrival of Bergami I was told I might take up my bed and go. Bergami was in the princess's room when these orders were given me, and I went away for the night, leaving Bergami, as I think, in

the bed-room." Whereas, on that bed with the princess there was the little child Victorine, and the whole suite left the place with the first gleam of morning. It is extremely important for your lordships to refer to page 743, where you have the evidence of lieutenant Hownam. In the first case, as proved by De Mont, there is nothing at all as to being dressed or undressed, or from which you could in the least suppose that her royal highness did not go to her bed-chamber, and went to rest in the ordinary way, and having taken off her clothes. It is only in page 323 that some light breaks in upon the cross-examination, and then the facts which come out, show that no criminality could be inferred as against her royal highness. It is then proved that it was not properly going to bed; she continued on the bed till the passport came, without having taken off her clothes, and when Bergami came, she immediately put her household in motion for the renewal of her journey. De Mont, in her cross-examination, is asked, "Did you take off your clothes? Not entirely. Had you taken off more than your gown? I do not recollect; but I believe not. Had the princess undressed? I do not recollect; she was in bed, but I do not recollect whether she was undressed." Your lordships see the not being undressed is concealed as long as it possibly can be. "I ask you if the princess was undressed? I do not recollect. Do you remember the dress that the princess was in the habit of wearing at that time? Yes. Was it not a blue habit trimmed with fur, close round up to the neck? Yes, there was a great deal of fur here, at the bosom, and it was a blue dress." A most inconvenient dress surely, for any improper purpose. "Had not the princess gone upon the bed, or into the bed, with that dress upon her in the middle of the day? Yes. Do you mean to say, that from the middle of the day when she had got into the bed, or on the bed, she had undressed herself at all? I saw her royal highness on the bed during the day in that same riding habit. Did you see her royal highness take it off at all whilst she remained at that inn? I do not recollect seeing it.—You yourself were upon a bed in the same room with her? Yes.—You left that small inn as you describe early in the morning, did you not? Yes.—If

her examination in chief is looked at only, it would appear such was the security of the parties, that they acted with as little appearance of caution, as if they were husband and wife. She is then asked by my learned friend as to the cause of her dismissal, and it appears that within a very short period she was sent out of her royal highness's service, to which, I believe, she would have been very happy to have returned. I will here beg to make a few observations upon the letter sent to her sister, but intended, by her own statement, to be seen by her royal highness. In this letter she endeavours to represent to her royal highness that there was a person ready to pay her, if she was in possession of any secret which would destroy the character of her royal highness, and that she was ready to disclose or keep the secret, according as her royal highness should treat her. Taking it in this point of view, this letter is nothing more or less than a threatening letter. In that very letter, she says to her sister "I desire you to observe a strict economy; I am poor, but there is a certain gentleman from London, who watches the secret movements of her royal highness, who no sooner heard of my dismissal than he came and made me offers of a brilliant patronage." I know the meaning of that hint: it is that she can dispose of any secret she is in possession of to advantage; or if not in possession of one, if she could fabricate one to the disadvantage of her royal highness. My learned friend says, she only communicated that she was the depository of a dangerous secret; but I say, that that letter proves it was absolutely impossible that she could have any true secret to disclose injurious to her illustrious mistress. Does she send her any money, or take any steps to gain her to her service? No; she leaves her without any sort of notice, without any application or promise to receive her into her service, or any inducement by which she can suppose her royal highness will prevail upon her to keep any such secret. It is utterly impossible to suppose that this woman was in the possession of such secret, even taking that base and sordid view of the motive of the witness as is ascribed to her by the Attorney-General, but which is necessary for him to give to her, even to get that letter at all. It shews, I say, the conduct of an artful and wicked

servant to an innocent mistress; but I claim the benefit of the character which that servant has, upon other occasions, given of her mistress. But I go back to the affair of Charnitz, in page 718, there lieutenant Hownam states, that it was necessary to go back for passports to Inspruck; that Bergami and count Vassali went back to Inspruck, and returned about one or two o'clock in the morning. My learned friend asked lieutenant Hownam if he recollected the stopping at Charnitz; if there was not a great deal of snow, and if they were not obliged to cut their way through, before her royal highness and her suite could set out, and whether many persons were not employed to cut away the snow, and that it was near 6 o'clock in the morning when they set out to proceed on their journey to the barrier town. He then speaks of some further interruption; but there is not a single question put to lieutenant Hownam, to shew that any part of what was proved by the witness De Mont, to see how far it would be corroborated by him, though it could not be doubted he was well acquainted with the facts, if true, deposed to by that witness. I now proceed to what is stated in p. 937, as to count Vassali; and I trust your lordships will think that it is no reflection on any person to say he has been a private soldier in a royal guard of honor. I say it is perfectly consistent with the highest respectability. I know it seemed at first to strike us as a little extraordinary, that a person of his gentlemanly manners and military appearance should have so risen. But it is, upon reflection, not the least imputation; it is a condition indeed which leads to the most respectable society: for none of your lordships could go into any of the towns on the continent, where there was a respectable young man, without its being mentioned that he had been selected to be one of the guard of honor, either to the emperor Napoleon, to Josephine, Maria Louisa, or to the emperor of Austria, in their passage through that town, and it was regarded as a kind of honor to the individual. The following were a part of count Vassali's answers: "It was necessary for Bergami and myself to go from Charnitz to Inspruck about the passports. We set off after dinner, after twelve o'clock, and returned between two and three in the

morning. The moment we returned we went into the room of her royal highness, whom we found sitting on the bed, leaning, half lying. Was she dressed? She was covered with shawls, or something like it. After we had entered, Schiavini, and then the countess of Oldi, came into her royal highness's room from her own; I saw the little Victorine on the bed with her royal highness." This was a circumstance which De Mont carefully kept out of sight as long as she could, as well as that of her royal highness and herself being fully dressed. "I saw De Mont in the room; an officer of police had arrived in the course of the morning; I spoke to the officer, and afterwards I returned to the room of her royal highness; I went into the room often to make communications to her royal highness; I first went in to inform her of our arrival, then to see if she wanted any thing, then to inform her as to the weather, and that the people were clearing the road from the snow. I and Bergami and the rest of the suite were constantly passing in and out of the princess's room, and the suite remained up all night, making preparations for her departure." When he is asked whether all this bustle and preparation was necessary, he gives this answer, which every person would see the propriety of—"That one in attendance on a person of rank and importance, must be in almost perpetual movement." He likewise gave such a statement as rendered the impatience of her royal highness to leave the place and proceed on her journey perfectly natural. He said, that she had been reposing on the bed from 12 o'clock on the preceding day till they returned in the morning, and therefore had no need of any further repose. I am sure every person must feel that nothing could be more natural; and I put it, that there is nothing inconsistent in this account of Vassalli's—that it accords completely with the statement of lieutenant Hownam, and is only inconsistent with the original story, as deposed to by De Mont, which was nothing like the truth of the case. In another part of the evidence, your lordships will recollect, it is stated that Sacchi had been sent to Charnitz, and yet extraordinary as it must appear, no question was put to him about this part of the transaction to elicit his information on the subject, or to gain his

corroboration to the evidence of De Mont, which shews that the imputations thrown upon the testimony of De Mont were felt to be well founded. It is perfectly impossible that my learned friends should not have known, that Sacchi was a person who, in all probability, would be discredited and contradicted at all points; and that De Mont stood in such a situation as to stand in need even of his corroboration.

The next part of the case to which I go, is that which is stated to have occurred at Carlsrhue; and here it becomes a little important to consider the circumstances in which her royal highness was placed. It is impossible not to look back with regret, and as a subject of complaint, to the calamities which this illustrious lady has had to struggle with during her married life. She had left this country, followed by a variety of reports, maliciously invented, and industriously circulated by the rancorous malignity of her enemies. She perfectly well knew that she was surrounded by those who were anxious to destroy—not merely her reputation—but her life; and yet, in the course of her journeys, she resorted to no less than fifty different inns, at no one of which has her conduct been impeached, except by that respectable witness, Pietro Cuchi, and that equally respectable witness—hat modest young woman—Mrs. Barbara Kress. I cannot, my lords, help again referring to the general statement that I made yesterday. How could it be possible, if there was any adulterous connexion going on, with a chambermaid, so constantly on the watch, not to discover so important a secret. How was it, if the charge was true, that the bed linen, and the body-linen of the parties, should not in this, as in other instances, have betrayed the guilty intercourse. Let me go back to the polacca: there, it was true, there was no regular bed-clothes; for there was only matting; but there was the body-linen, which must have betrayed the marks of such an intercourse, if it had existed. But there was not even an attempt on the part of my learned friend to extract any such fact from De Mont; I therefore infer, that my learned friend knew it was not true, and that she was perfectly aware, if the attempt to prove it had been made, it would have been most effectually contradicted. Then as to the fact at Carlsrhue, I beg to call

your lordships attention to the circumstances in which her royal highness was living at that period. Was it possible to doubt, that from some strange and unfortunate attempt to destroy this illustrious lady, individuals thought it might be to their advantage to pursue her with fresh calumnies and that persons of high authority were placed as spies about her. How else comes it to pass, that, for the first time since the reformation, a Hanoverian minister was then sent to the court of Rome? Why else was it, that then, for the first time, a minister from this protestant court was accredited to his holiness the pope? What other reason was there, except that baron Ompteda might come repeatedly to her royal highness's table—be her guest—and afterwards, her prosecutor and betrayer. What was the reason that, whenever any question was put to any witness, as to that objectionable name of Ompteda, that some one of my learned friends immediately started up with an objection, that the mouth of the witness might be closed, and be prevented from giving any information upon a point, which I am sure your lordships will feel essential to the coming at the truth of the case. It was evident that Majocchi had been instructed by somebody, and for some hidden reason, to say that he did not even know the name of Ompteda; that it was as much unknown to him as that of any chieftain in the Sandwich Islands. Now Madame De Mont states, that, though she knew the name of Ompteda, yet she never heard the slightest imputation on him, or of his discharging the honourable duties of a spy; she never heard of locks being picked, or of servants suborned: she has not the slightest idea of any such fact ever having taken place in the family of her royal highness. Let us look at the evidence which is suppressed and kept back from us on this occasion, because your lordships cannot forget that we were told by Rastelli, that most active agent for the Milan commission, that he accompanied Mr. Cooke, at the head of that commission, to Frankfort, for the purpose of getting an important witness of the name of Morris Credit, who had been a servant in the house of her royal highness, and who is described as having been employed to get possession of some of her royal

highness's letters. Why is not Credit called to explain this strange and mysterious affair; he was a servant in the family when this was going forward, he was a witness capable of telling as much probably as any that these persons could have told, and, perhaps, was quite as willing to have told them. He might have been brought here to make the whole statement of the case, which it is so essential to public justice to have thoroughly sifted to the bottom; he went to Frankfort to be examined by Mr. Cooke, but he was not suffered to be examined by my friends nor cross-examined by us. There is also, a witness of the name of Prisson, who is not called, who was in the service of her royal highness, whom Rastelli saw when he went to Frankfort; but he is not now called as a witness for them. She is proved to be in this country, and though my learned friends have stated that they were so anxious to bring every thing before your lordships, in order that a fair and impartial conclusion might be drawn; yet they have not ventured to call that witness. Now, my lords, with regard to that witness, Majocchi, you cannot have forgotten the circumstances under which he denied any knowledge of Ompteda. I think, on the second day of his cross-examination, he states with the utmost clearness, that he has no knowledge at all of him; he is quite a stranger to the affair, and has nothing to say on the subject; he does not even know such a person. But now I will produce to you the evidence of William Carrington, and, in introducing that witness, I beg to call your attention to the difference of situation in which my learned friends on the other side are placed to what we are, and the great disadvantages we have had in this case. Wm. Carrington has no sooner left this bar (with the universal confidence and approbation I am quite sure of every honest man who saw and heard him give his evidence,) than the materials for his cross-examination are brought forward by the first lord of the Admiralty; the books are searched, his captain is called to town, and he is cross-examined with the possession of these materials; and every act of his life is sifted with the utmost minuteness. Do I complain of this? No; if it were not irregular

I would offer my best thanks to the noble lord, who, with great ability and perseverance, conducted that cross-examination; and it redounds to the honor of the individual concerned in it. Let us not suppose that we attack witnesses because they are in the lower ranks of life, I say, what foreign writers have said of this country, that you may find gentlemen in the lowest class of society. I say, that in whatever part of society that man's lot may be cast, he has been made a gentleman, and his evidence will not be disputed by any person who deserves the name of gentleman. He states to you all the conversation at pages 558, 579, and 719, and he undergoes the strictest cross-examination in the whole of this case; and I will venture to say, that anything more clear, more satisfactory, and more convincing, was never drawn from any witness who appeared in a court of justice. It is perfectly clear, that this Majocchi, who came here, was instructed to deny the knowledge of Ompteda. Carrington states, that that witness expressed the utmost indignation against Ompteda, because he had brought all the servants into suspicion; and declared that if he could meet Ompteda in the street, he would kill him like a dog; and his cross-examination was in the highest degree satisfactory. And after this young man, Carrington, had undergone two or three cross-examinations, it was proved, as he had stated, that he was a midshipman, as he had described himself, of the Poitiers. After that, Sir John Beresford was called, who declared, that he never parted with a sailor with so much regret, because he never knew a more excellent man in the service. What an advantage there would have been to my learned friends, supposing there had been, in the whole life of this man, a single blot in his character. What a difference there is between this witness and foreigners, who have come from all the distant corners of the world. We have no Admiralty books to refer to, we know nothing of foreigners and foreign governments, but their ceremonious attention in forcing witnesses to come to this country against her majesty, and their uncere- monious conduct in not permitting witnesses to come over here in her favour, when we have no power to

compel the production of a single paper—it is the most striking illustration that ever was found of the unparalleled and infinite disadvantages under which her majesty has been labouring in the course of this proceeding. It was utterly impossible for us to bring forward facts to show, that they were subject to discredit out of their own mouths; therefore, this person is so contradicted, and in such a manner, as to leave the strongest suspicion that the story told by De Mont is perfectly true, and that the story told by Majocchi was perfectly true, and that there were individuals base enough to intrude themselves into the intimacy of her royal highness with a purpose of imputing disgraceful facts to her. Now we come to Carlsruhe; and I think we find that no less than three ministers are employed to collect evidence to send to this country of what happened to them; and we find that one of those ministers receives her royal highness into his apartments, and that the moment she leaves those chambers, he is found running about the room, searching for all that he thinks may tend to convict her. I think it is by no means uncharitable to say, but most absurd to deny, that they thought they then had her in the trap. They were quite sure that something could be found to work to her royal highness's detriment, and some witnesses who could depose to something from which an unfavourable inference might be drawn, or that it would be their own fault if they did not. They find in the chambermaid of Carlsruhe a willing witness against her. What is it she says? Why she says, that on one evening she went with some water to the room of Bergami, and that she saw the princess sitting on his bed, while he had his arm round her neck. That will be found in page 182. It is by no means immaterial, that almost every individual states his own case; each witness produces his own case; and it is very remarkable that this Mistress Kress, who proves her case, receives no confirmation in any part of it whatever, but receives a direct contradiction from the courier Sacchi, as to a fact which could not be stated by him without the probability of raising a suspicion in the minds of your lordships: for she states that the courier had arrived before the bed was made.

She says, "The courier arrived, and then I placed that bed in No. 12. What sort of a bed was that in No 12? A broad bed. Was that bed in No 12 placed before the princess arrived, or was it placed there in consequence of the arrival of the Princess? I had been ordered to put a broad bed. Had the courier arrived before that bed was placed in No 12? The courier had arrived, and then I placed this broad bed there to which I allude." Now it is perfectly clear, that her royal highness sent a courier forward, knowing that at Carlsruhe the beds were particularly small, and that the inference intended to be drawn from it is, that it was so ordered for the purpose of affording an opportunity for a criminal intercourse with Bergami. But if you turn to p. 435, to Sacchi's account of the transaction, you will find that, so far from any thing of that sort happening, no change was ordered to be made by him at Carlsruhe. He was then asked, "In the course of that journey, was not the general condition of the bed-rooms for her royal highness the same?" A pretty good leading question as to facts that took place three years ago, but the same kind of questions were put to Majocchi. He says, "I continued to bespeak the beds as far as Carlsruhe, but when we arrived at Carlsruhe the same thing happened there as happened at Turin as to the arrangement of the room. I did not meddle with it any more during the journey, leaving her royal highness to choose any rooms she liked." Now as to his coming to order the beds, and the placing them there under his directions, he states, that he had given the orders as far as Carlsruhe, but when they got there the arrangements were actually altered. Now that is one circumstance which shews that whenever the parties are fairly contrasted together, it will almost uniformly be found, that wherever there is an opportunity for contradiction, that contradiction will appear in the evidence they give. Now Barbara Kress says, that she remembers Sacchi coming the night before and she does not recollect where the Princess and Bergami dined on that day. Then she is asked, "Upon your carrying the water into No 12, did you see any persons in that room? Yes I did"—I only wish to know how my learned friends reconcile his evidence with Mrs. Kress. She states, that her royal highness was sitting on

Bergami's bed, and that he had his arm round the Princess' neck, and she instantly started up; but she (the witness) did not stay further to see what passed. Now in the first place, I will call your attention to this fact, that in her cross-examination she won't venture to deny that she has stated that she went into another room to satisfy herself whether the countess of Oldi was the person sitting on that bed; I think that will satisfy your lordships that the person sitting there on that bed, could by no possibility have been the princess of Wales. She states in the course of her examination that she will by no means state that she did not go into another room for the purpose of ascertaining whether the countess of Oldi was there, so that she had some doubt whether the countess of Oldi was not the person who was sitting on that bed, and therefore I should infer that it is a most gross attempt to introduce that charge against her royal highness, which it is quite impossible to believe. I would call your lordships' attention to page 209, where she is asked, "After you had seen the person that you took for the Princess in the evening in Bergami's room, did you not go to see whether the countess Oldi was in her room? No; I carried immediately the water to No. 5, and there they were standing; as No. 5 the countess lodged." So that she did go immediately after she had been in Bergami's room; she did go to the room of the countess of Oldi. "Did not you go to No. 5, in order to see whether the countess was there? Yes, I went, just there. Did you not go there for the purpose of seeing whether the countess was there? I went and just saw that it was the Princess. Did not you go there for the purpose of seeing whether the countess was there? No, I went not there; I just carried the water there. Will you swear you did not go to that room, upon the oath that you have taken in order to ascertain whether the countess was there? I went just there to carry the water, because I must do this, as I did in every evening. Will you swear, by the oath you have taken, that you did not go to that room in part for the purpose of ascertaining whether the countess of Oldi was there? I cannot say this; I did not go for that purpose; I have never thought that I should be asked about this." She knew what she should be asked, and

all the surrounding facts which relates to the transactions is cleared out of her mind. Then, a little further, she says, I have never had any thought about this "I never thought I should be asked about it." Then, on further examination, "Will you swear, upon the oath you have taken, that you have never told any person that you did go to the room of the countess for the purpose of seeing whether she was there or not?—I cannot recollect it; I have no thought about it whether I have said it to any body. Will you swear you never had any conversation with any person about going into madame Oldi's room that night:—I can swear that I never had a conversation with any body about this matter,—namely, that I went there for the purpose of ascertaining whether the countess Oldi was there or not." Though she has already admitted that she went into the countess of Oldi's room for some purpose or other. Now, my lords, I think on these facts, it is perfectly impossible not to see, that if there is any truth whatever in these circumstances to which she has deposed, that she had some doubt of the person sitting on that bed; and when you come to look at the other parts of her evidence, in which she states first of all, all the circumstances from which this inference is drawn, I think there is no part which furnishes any proof against her royal highness. I only need to shew more clearly the nature of the bargain: she went to Hanover, and there saw baron Berstett; her compensation is very little! very little! which is the answer that all these persons give, except the captain and the mate and Mrs. Kress. But those who have uncertain compensations, know the circumstances of payment, and they know full well that they will have no chance of being paid, unless they swear up to the mark, and therefore your lordships will not lose sight of the extraordinary and enormous compensation (considering the situation of this woman in life) which she received for performing this journey. Now another circumstance from which this is inferred is; that on one day she found a grey cloak in the bed of Bergami, and she states that she afterwards saw the cloak on her royal highness. How it came on the bed nobody knows. But then my lords, there is a third fact of an extraordinary description, which I have before alluded to—the fact of stains

which appeared upon the bed. Now it is quite left in the dark at what time these stains were found. At page 188, the whole of that evidence is given, and it is left entirely unproved the day and the time, except that it was on the morning of some day when she was making her bed on which those stains were found, whether after or before the time that she saw any body sitting on the bed at the time she found the cloak in the bed is left entirely uncertain; and when you come to look at what she thinks proper to state on oath on that night, I am sure you will say that this is not what is to be believed. In the first place, the condition in which it is found, is perfectly inconsistent, that the stains should be at once the colour, and yet in a state of humidity—I take it to be an impossibility. She is a married woman, and, on being asked as to the nature of those stains, she says she has not inspected them so nearly, but she saw they were white; she says she has made the beds of married persons in the house, and then, when asked as to the appearance of those stains seen in his bed, she has the impudence to say, being brought here to prove nothing material besides, if at least this is material, "You will pardon me; I have not reflected on this, I have had no thought on it whatever." For why, then, if she has had no thought of it whatever, why is this statement made here, and why is this reluctant witness brought to make the people of England believe this story. My lords, it is perfectly impossible a woman should so conduct herself, who is called to speak to a fact of that description; she is unprepared with an answer: if the thing be true she ought to have declared it. It is trifling with your lordships' understandings to suppose that she is to be believed on this subject. And the blush we saw on her face—the last feelings of expiring modesty—were they the struggles of conscious truth, or the last expiring stings of remorse, at having told the falsehoods which she had been forced to tell, you may judge from her way of telling those falsehoods; she has condemned herself by the evidence she then gave; the evidence she then gave is perfectly impossible, and therefore she has committed perjury, and I shall show it was perjury by the evidence which I can refer to against her. My lords, at page 717,

Mr. Hownam states that he went to Carlsruhe, that her royal highness was there received by the grand chamberlain on getting out of her carriage, and the baron d'Ende was appointed to attend her always after; that she was almost always at court, or in the family of the grand duke, that she dined usually during her stay at Carlsruhe at the court, or else at the margravine's, the grand duke's mother, and that her royal highness mostly supped out. That the supper was given at the grand duke's, and, as he thinks, once at the margravine's, and there were parties assembled to meet her. This woman, who was an outcast, and who was then in a state of public prostitution, and become so unfit to be received any where, because of the disgrace which she brought on the honour and dignity of the crown, was yet constantly dining at the grand duke's, by whom parties were assembled to meet her, except the first day's dinner at the margravine's. He was cross-examined, at page 767, not cross-examined, but some questions were put to him by some of your lordships:—"You have said, that at Carlsruhe the princess dined with the grand duke, except the day that she dined with the margravine—did you dine in company with her royal highness on those occasions? I did.

"You have said also that she supped at the grand duke's, and also at the margravine's; did you sup in company with her? Yes, I did.

"At what o'clock at that court is the dinner? I positively cannot recollect that.

"About what hour? I do not recollect the hour sufficiently to be able to mark it.

"Have you any recollection of the lateness of the hour of supper and the evening parties there? I cannot say to what hour they lasted; they lasted late in the nights, probably twelve o'clock.

"Can you, of your own knowledge, say whether the princess had time to return home between dinner and supper; between the dinner and the subsequently going to the other house, or supping at the same house? I should imagine yes.

"Did she, to your knowledge, on any one of those days, return home between the dinner and supper? I do not recollect that.

"Will you undertake to say that she did not? I will undertake to say that I do not recollect the circumstance; if I had the smallest recollection of it, I have no end in keeping it back, in withholding it."

For which I am sure every man will commend him. Then what chevalier Vassali says in page 935, puts the question beyond all possibility of doubt: he states that he arrived at Carlsruhe on the 25th of March, 1818, and got there about noon. Her royal highness dined alternately with the grand duke and the margravine, and passed the evenings in company with those distinguished persons. He further states, on one of the evenings, Bergami complained of having the head-ache, and joined his sister, who accompanied him to the inn. They went about five o'clock, and instead of leaving the grand duke's at the same time, her royal highness remained with the duchess, and the witness remained there too. They quitted at a late hour in the evening, and he says that he himself sang with the duchess that evening. He goes through the whole story of their dining and supping, a circumstance which is likely to be strongly impressed on his memory, because he recollects dining with the grand duke, which we know is proved by satisfactory evidence, and which is too remarkable to be entirely excluded from his memory. Then if your lordships look at page 941, you will perceive he is asked to fix the time, "What time did they dine? About three o'clock.

"What time did the *conversazioni* commence? At no fixed time.

"About what time? From half-past seven to eight o'clock.

"Where was it you dined at Carlsruhe the first day? At the margravine's,

"Was Bergami there? Yes.

"Are you quite sure he dined there the first day? Yes.

"Where did her royal highness dine the second day? At the grand duke's."

This is his cross-examination.

"Will you swear that he dined there that day? Yes.

"Did Bergami dine with her royal highness every day at Carlsruhe? He did.

"What day after your arrival at Carlsruhe was it that Bergami was taken ill? The second day.

"At what time was he taken ill? At dinner time, about half-past four or five o'clock."

Which would be the time the dinner was taken from the table according to the hour which lieut. Hownam gives you of it.

"You say he returned to the inn, did he rejoin your party that evening? He did, when we went home.

"About what time did you return home? I believe about half-past seven or eight o'clock."

Now, my lords, as that was stated, it would have appeared to be a confirmation; and I think it was from one of your lordships, who put a question to him, that we got full explanation of the account given by him, which proves that what Barbara Kress stated could not be true, not because the princess and Bergami might not be together the first evening, or the second evening, but that he accounts for the whole of the time that he dined at the grand duke's, coming home, and there being received by a party, and afterwards going out to the margravine's, and the whole of the time he accounts for in such a manner as to leave no possibility of doubt of the story of the bed-room, and the placing of Bergami's arm round her royal highness's neck, being untrue. Then in page 961 the following questions are put to him:—

"When the princess, on the second night she was at Carlsruhe, returned from the palace to the inn, did you accompany her? I did not.

"When did you go there? When she returned home—between seven and eight o'clock.

"It is about that time that I am now asking; did you accompany her? Yes.

"Into what room of the inn did you accompany the princess? Into the saloon.

"Whom did you find there? Bergami and his sister, and another person in the street came to meet us.

"Was Bergami dressed at that time? He was in a uniform.

"How was her royal highness dressed? Only in a court dress.

"Did her royal highness remain for any time in that room called the saloon? Some time, and then went to the margravine's, and they remained with the evening party till ten o'clock that evening."

So that there is every thing during the whole of her royal highness's residence at Carlsruhe accounted for; and it is impossible that this story of Barbara Kress can be true, unless he has stated what is false, which I do not think any one can imagine he has done; and I think there can be no possibility of mistake on such a subject. My learned friend ingeniously asked where they dined at Munich? Why, the answer was, we dined at the table of the king and queen three or four times in the course of the time, and having dined occasionally at the table of the queen alternately, in general passing one day at the grand duke's, another at the margravine's, where she passed the night. I think it is proved that on the other four nights there was no possibility of the story being true; and, I think, when such a proof has been given, it throws a good deal of suspicion on every other part of the case. But, my lords, if this German female waiter is to be considered as effectually contradicted in her evidence, what shall we say to the male waiter, who probably was aware of the same circumstances of prosecution and vigilance, placed his eye to the key-hole of the door at Trieste—a most happy employment for a person of his honourable profession—and then pretends to tell your lordships, that for three or four mornings he saw Bergami going in a state of undress from her royal highness's room to his own. What shall we think of that individual becoming a witness, adventuring in that gainful trade, and well knowing all the advantages which would be found to result from a journey to England on this important occasion. He thinks proper to state that they remained six days at the inn, a circumstance out of which, it was felt, too singular a meaning might be made of it, to make it wholly unimportant, and therefore, in order to make his case complete, he does not leave this young lady to speak to particulars, but says, that it was the habit and practice on every one of these three or four mornings, and says that he saw this take place.

My lords, I shall not attempt to describe this man; if he was a man, whom your lordships may have forgotten, I am quite sure my learned friend's portrait of him cannot be forgotten. Having argued on the likelihood of

this evidence being false—and the probability is entitled to very great consideration, particularly so when it is found, that out of the very numerous places at which her royal highness is supposed to have conducted herself so unguardedly, there are only two witnesses called who speak to any fact of this description; and each of these two witnesses make out a clear and decided contradiction to themselves. The evidence of Pietro Cuchi your lordships will find in page 167, and those which follow. Let me direct your attention to this man's evidence. There was no question put to Sacchi how long he remained at Trieste—no question put to De Mont, how long she remained at Trieste—not a word; but this man is brought against us to state this fact, that she continued six entire days. Cuchi swears positively that he could not by any possibility mistake as to the length of time being six days, though he could not recollect whether a Sunday was one of them. He is asked,—

“How many times did you see that during the six days her royal highness remained at Trieste? Three or four times.

“Describe the manner in which Bergami was dressed when coming out of the room of her royal highness? He had a dress made in the Polish fashion, with some gold lace on it, which came from the waist down behind.

“What else besides that? He had drawers.

“Had he any stockings on? Sometimes he had stockings, and sometimes pantaloons, which were at once stockings and pantaloons; but I cannot precisely say, for I was looking out through the key-hole of my room.”

And then, on cross-examination, nearly the first question asked is—

“Have you any doubt of the princess's having remained so long as five or six days? Of that I am quite sure.

“Are you sure of it? No more.

“But are you sure that she remained so long as five or six days? Yes.

“Do you remember the days of the week—the day on which she came? I don't remember.

“Do you remember the day on which she went away? Never, if any body had told me something to that point, I might have ascertained it; but I don't remember.

He says, “the door of which I have spoken was a door that opened in the dining-room, a secret door, that could not be known to be a door by any body in the dining-room; it was covered with painted canvass. The best possible situation for a spy to select. There he says he saw this person coming from the room of the princess three or four mornings out of six; when it is proved beyond all possibility of doubt, that she slept but one night at that place, and that on the following day she set out on her journey towards Venice, by the evidence given by lieutenant Hownam on that subject. But looking at it in the eye of a lawyer, I will not press his evidence further; it will hereafter come on in another place; for we feel that we should not be performing our duty if we abstained from bringing this man to justice. If he is to be found in Cotton Garden at the time we call on him—if he should not have followed the example of Rastelli, and have gone off to quiet his anxious friends and relatives on the continent—if he is remaining in this country, it is a duty, which we owe to her majesty and to the whole human race, to bring that man to justice, and to let him feel, that they who undertake to give suborned evidence for the gratification of the basest wishes, and, by wilful and corrupt perjury, impeach the character of the realm—that the highest individual in the world should not do so in England without being brought to justice for his conduct. But lieutenant Hownam's evidence puts an end beyond all question to the testimony of this waiter; and it is most important to remember, that he was not cross-examined by my friends as to his memory or means of knowledge. He says, “on her royal highness's arrival at Trieste, the deputy-governor received her royal highness; she went to the opera. We left Trieste on the following day, about 5 or 6 o'clock in the evening, and you will remember the caution with which he speaks. Then he is asked,

“Have you any particular reason which assists your recollection? I have a letter that I wrote at the time from Venice, on our arrival at that place, which is dated the 18th of April in the morning, and I have in my pocket a letter written to a lady to whom I have since been married.”

It is signed from Venice, put in the post-office there, and has the Venice post-mark on it. You will recollect that he wrote it on the 17th: it is dated the 18th; they arrived at Trieste on the 15th, they left on the 16th, and he writes from Venice on the 17th, her royal highness having left it in the afternoon. Upon this there is not a single question put to him; they do not ask him to look at his letter; they do not make the smallest doubt of his statement; they feel—they know—that it is true; and the same statement is made by captain Vassali in page 938 of the evidence. I do not mean, my lords, to dwell upon some of the low and disgusting details which have been stated in this part of the evidence, for if this were only a case of key holes and chamber utensils, I think your lordships would hardly be sitting here to investigate it; yet I cannot but inquire why De Mont was not examined upon this evidence? Why has De Mont never said any thing about it if the story was true? The reason is plain, because in that case she must have known that she could be easily contradicted. She has not thought fit to state one word respecting that simple fact. Surely, if Bergami had at one place constantly slept out of his bed for the purpose of resorting to that of her royal highness, or her royal highness had once slept out of her bed, for the purpose of going to the embraces of Bergami, it is perfectly clear that it must have been known to those who attended to their rooms, and of course to this chambermaid, by the appearance of the beds the next morning. It is perfectly clear, that during the whole period in which this adulterous connexion is supposed to have existed, in no one room is any thing of that sort discovered, therefore I make upon that the same observation which I did as to the appearance of stains in the linen. In the absence of such evidence which, if the case on the part of the prosecutors of the bill were true, it would have been most easy to have produced, but it being a part of the subject which was capable of contradiction, such evidence has not been thought proper to be given. It is a most decisive proof that no such thing occurred: it follows, I say, as the most reasonable deduction that can be made in the absence of such evi-

dence that the adulterous intercourse stated, has not taken place. It is evident that the object in carrying on this prosecution is to affix a stigma on her majesty, and to attribute to her conduct an indelicacy which would be disgraceful to her rank. Now, my lords, I go to another part of the case. In the opening of my learned friend, the Attorney-General, he attributed to her royal highness a system of indelicacy and impropriety of manners, a disposition to encourage vice and profligacy, which, if true, would have been most disgraceful to her royal highness's morals, and such as it was quite impossible you could conceive that any person of rank would have been guilty of without it was established by the clearest and most conclusive evidence. My learned friend, the Attorney-General, told you that, during the carnival, the most disgraceful scenes took place at the Barona—scenes which he would rather leave to the witnesses to describe than offend your lordships' ears by repeating himself; and that he would satisfy your lordships that this house at the Barona rather deserved the name of a brothel than a palace fit for her royal highness: that balls were given there, which were not attended by persons of rank and nobility in the neighbourhood, not by persons who, if her majesty had kept up her dignity, would have been proud of the honour, but that they were attended by none but persons of the lowest description; and I remember that the Solicitor-General, in his summing up, stated that scenes took place there which, if true, proved that her royal highness was low in morals, low in her character, degraded in her principles and feelings, and so on. The greatest licentiousness was exhibited there during the carnival, but which licentiousness ought not to be stated as an imputation on her majesty, "unless," said the Attorney-General, "I were satisfied in my conscience that I shall be able to prove it was with her majesty's knowledge." Now, in the first place, neither is it proved that those scenes occurred with the knowledge of her royal highness,—nor is it proved that they occurred at all. Now, my lords, your lordships cannot forget the endeavour that was made to convert the exhibition of the tricks of Mahomet, a person described as unde-

serving the name of a man, into a most serious charge against her royal highness. Mahomet was pointed out as a kind of master of the revels, at these indecent balls, and it was stated that exhibitions took place at them which would shock the delicacy of a person of the grossest morals. But, on the contrary, it does not appear that he was ever there at all, and from all that is stated in the evidence on the part of the prosecution, there is nothing—no one act of indecency proved to have been committed in the ball-room, and nothing stated as having passed under the observation of her royal highness. My lords, it is stated that when first those balls began, persons of distinction did attend them, but that afterwards, by seeing those disgraceful scenes of debauchery, they would not attend them any longer. Now let me look at that for one moment; if that been the fact, why was none of those individuals called who were supposed to have attended when those balls first took place, when there was nothing shocking or disgusting, but who afterwards withdrew themselves from scenes of so much immorality as my learned friends described. Now is it not a little too much for any counsel to state what are the motives of particular individuals for withdrawing themselves from her royal highness, and founding it on improper and indecent exhibitions made in her presence, without giving any evidence of a single act of that description; without calling any one of the persons who are supposed to have felt themselves degraded by attending these balls; and without proving that any individual ever withdrew from these balls. These censors of morals—these delicate critics on propriety, are not to be found among the witnesses for the prosecution. The only witness as to this fact was Majocchi, in the first place, and then Sacchi. Was it known that their depositions would be contradicted? Are they not contradicted? An examination *ex parte* was taken at Milan, and yet some of those very witnesses have told you, in the most distinct terms, when speaking of these balls, that in the presence of her royal highness nothing particular was observed. They all agreed that if any thing irregular happened, it did not fall under her royal highness's observation. It

was said by one of these virtuous witnesses, that her royal highness witnessed these improprieties, and so far from expressing any disapprobation, she was pleased at it. New M. De Mont, in page 290 and 303, expressly negatives that particular fact. In the first place my learned friend introduced that by asking—

“How long did you continue at the Barona? The first time two or three days.

“Did you ever afterwards return? Yes.

“How long did you continue then at the Barona? Near two months.

“Was Bergami and her royal highness there the whole of that time? No.

“Where did they go to? To Germany.

“How long were they at the Barona before they went to Germany? Nearly one month.”

And now there comes a very important question, put by my learned friend to this witness, about that month, and certainly if it had been asked of a respectable witness, it would have been applicable to the case.

“Did you make any observations on the conduct of Bergami and her royal highness, how they conducted themselves towards each other during this time.” Your lordships will not forget that this question is got out of her own instructions. The answer is, “I made no particular observation.”

“How did they address each other.”

To be sure such a question was a pretty good bolus for any witness, and very little doubt could be entertained that it arose out of information received from Milan. Well, what is the answer? “The princess sometimes said, ‘Bergami,’ and sometimes,

‘thou,’ to Bergami, and Bergami said, ‘princess’ to her.” Then she is asked,

“While you were at the Barona did Bergami do any thing to her royal highness.” Now really that is a pretty leading question, and it shows what

the intention was in choosing to question her about the peculiarity of conduct; and I may venture to say, it never would have been put in this court if it had not been stated in my friends' briefs, and therefore you see there is a difference between what occurred out of court, and what the witness would swear in court—a difference between what she would state

upon an ex-parte examination at Milan, and an open tribunal in England. I am quite sure that the facts stated of a disgusting and disgraceful nature, as my friend expressed it when he opened this case, were stated from a belief in his conscience that he could prove them by evidence. What is the answer to this question? "I do not recollect." But she recollects the balls at the Barona, and that they were attended by persons of a low calling.

"Did you yourself make any observation on the conduct of persons at the ball? Yes.

"Will you tell us what you saw also in the presence of her royal highness? I saw nothing particular.

"Did you ever hear Bergami tell her royal highness anything as to the conduct of one of the parties who attended at these balls? Yes, once.

"What was it? Mr. Bergami related a history—a story of what happened in the house."

Now, that Bergami ever related this story I will not believe: it is proved by this young lady alone. I say my learned friend has failed in making out any one single fact which was in the slightest degree disgraceful to her royal highness. If your lordships refer to page 433 Sacchi speaks to these same balls, and you will find that the criminatory part of this statement is not borne out by the testimony of Sacchi. When Sacchi is asked, what description of person attended these balls, he says, "At the beginning, besides the suite of her royal highness, there came also some persons of distinction; but at these balls were introduced people of all ranks, and of both sexes, and even of very low condition; and as between some of the suite of her royal highness and these low women there was some freedom, thus the people of distinction were no longer seen." Now, that there might be on some of those occasions persons of not a very high description, I admit, but not in the ball room. I can readily believe that Sacchi, and others of his acquaintance, have indulged in freedoms of the kind alluded to, and so far I will give him credit for his testimony. Well, then, what is the description he gives—

"Have you seen the princess at those balls, in the same room with those persons of low condition? Several times.

"Did her royal highness join in these dances? Sometimes."

"Have you, on any of those occasions, heard her royal highness make any other remarks on these women?"

And then he gives us an anecdote about the population of the Barona increasing in consequence of the freedoms used by them. Now it is quite impossible that any contradiction can be applied to that case; it is an anecdote of his own devising, the pure offspring of his fruitful brain, and which admits of no contradiction on our part, though it might have admitted of some if he had told the name of the individual, and if there was really any fact of that description. Then, my lords, at page 465, this subject is pursued a little further by your lordships, and it there appears there are these questions and answers:

"You are understood to have stated, that the princess was present during the balls mentioned by you as given by her royal highness at the Barona; how long was she present at those balls?" And the reply is, "her royal highness had her own apartment contiguous to the ball room, where she had her own party, so that she came from it and entered the ball room, where she usually staid three or four minutes, and then returned to her own room."

This is the evidence of the licentiousness and disgraceful scenes committed under the immediate inspection of the wife of the king of England, at the ball room of the Barona. The answer of this man to the next question is remarkable: he is asked this question, "You have stated that the women were taken out of the ball room at the will and pleasure of the men; do you remember on any one occasion when the women were so taken out of the ball-room in her royal highness's presence?" The answer is, "I never made the observation." Now, I think your lordships will pause a little here before you believe that is a proof of any great impropriety on the part of her royal highness in giving any encouragement to persons of that description. There is not the slightest proof of her being privy to any licentiousness or indecorum, exclusive, always, of that long story told by the witness, of his having slept with three girls at a time who attended at these balls. It is all fabrication and invention, and it is quite impossible to be true, and rests on the same foundation as all those other

stories which have also been told against her royal highness. We call witnesses who prove the most strong and decisive contradiction, when I shew what actually past, that there was nothing done on the part of her royal highness, but what many noble ladies in England frequently do. In making society of a lower description happy, introducing persons of all descriptions by giving to farmers, or to their tenants, labourers, and servants, those little festivities, persons in the lowest rank coming in their best clothes, was never supposed that it would be made a ground or charge of licentious conduct, or destroy the reputation of an innocent and honourable woman. My lords, let me observe here, that in England the practice is not uncommon, and ladies of the highest rank, so far from thinking it degrading to be joining to those occasions of harmless and innocent mirth, have thought they have done themselves honor. If it should happen that two of these persons were going home at night together, and had toyed a little on their way back, or had indulged in a little dalliance, would it be said that the giver of the entertainment was to be considered guilty of a fault or crime, yet that is all this evidence goes to—this is the fullest extent of the offence; it goes no farther than that. He has told you that her majesty, upon those occasions, having a party in her own room she came out for three or four minutes, and danced with the peasantry and tenantry. We have heard a great deal of a landlady—I think of the name of Rosina; and I expected to hear that this Rosina's house was a house of ill fame; that it was frequented by the same kind of society; and that men and women were in the habit of retiring together from the public room. By reference however to page 142 of your lordship's printer's minutes in the evidence of lieutenant Hownam, and also in page 934, where Count Vassali confirms the evidence given by lieutenant Hownam, it will be seen that no such scenes ever took place. In the evidence of Pomi, it will be found that the parties of her royal highness never consisted of above forty or fifty, that among those who attended those balls was Antogena, a respectable man, one of the largest tenants in the parish; her majesty wished to see the whole of those assembled; nobody came but those who were at-

tended by their natural protectors or guardians; that the princess was in her own room, and that he never saw any thing improper on those occasions. I think, my lords, too much has already been stated in refutation of what was alleged against her royal highness with regard to these balls. But now this charge turns out to be trifling, to be folly, as it is disproved. It is important to see how the minutest facts have been raked together, and how the most innocent circumstances have been perverted into charges. This illustrious lady, as De Mont says, was surrounded with spies; that it was her misfortune to be the object of persecution, when she ought to have been made the object of respect; she has been surrounded during the whole of her residence abroad by spies—no lady more virtuous, no lady more injured. There is not an individual who has so much to complain of as my mistress. All is misinterpreted. There is not a virtue which is not brought in array against her; her kindness—her affability—her love of children—which is almost inseparable from an amiable character, this is converted into matter of new suspicion. To protect and make happy her neighbours, as some ladies do in this country, all this is perverted into imputations, or made the matter of serious charge against her; and when we come to look to the proof of this, what credit is transferred from the green bag to my friend—to the Milan commission by *ex parte* proof, and then here by word of mouth from the witnesses who are called here. There is not a single fact where a contradiction could be given to the evidence, where that evidence has not been cut to pieces by that contradiction as well as exposed by its own improbability. Then as to the dance of Mahomet, according to Majocchi's account, it was as innocent a dance as ever was performed before any body; it was absurd, but not prodigate: it was that which might be witnessed without offence to any man or any woman. The truth of this account is fully borne out by the evidence of lieutenant Hownam, and by Mr. Granville Sharpe, who has seen a dance of the same description at Calcutta, performed in the presence of persons of high rank, and of morals the most irreproachable. My lords, my learned friend the Solicitor-General, on the

summing up of the evidence, dwelt with great effect with regard to another exhibition of Mahomet's on board the palacca, but Mr. Hownam has told us how that occurred: he says that this Mahomet had a quarrel with the doctor, and that he always performed this dance whenever the doctor came on deck: it was a mere mode of playing off a joke upon the doctor, who was not upon very good terms with him. My lords, I will now beg to call your attention again to the evidence of Sacchi, and to the complete contradiction with which Sacchi's statement has been met. It was asserted by Sacchi that upon one occasion the weather being very hot the windows of her royal highness's place of residence were thrown open, that he himself had risen from his bed to air himself, and that Bergami thought this a very good opportunity of clandestinely stealing to the bed of her royal highness. My lords, I will observe no more upon that part of the case. I am extremely sorry to detain your lordships, with any observations of mine; but I cannot but remark, if credit could attach itself to such a story, told by such persons, that then, whenever a servant was discarded, and chose to come forward to state such a fact, if the story could be believed, it would place the character of every man and woman in all civilized society entirely at the mercy of any menial servant who should be displeased by being turned away. It is quite impossible that there can be any security for the most correct and virtuous of mankind. If this case was strong in itself; if the testimony came from lips never polluted by any thing obscene, and was derived from sources the most pure, such evidence ought to be listened to with the utmost jealousy and suspicion. Even if it came from one whose testimony was above all contradiction and suspicion---if it came from one who could have no motive for injuring the party against whom he spoke---from one who had never, on any occasion, expressed himself in terms of indignation or displeasure against the party who was charged with a crime---even though the channel should not be infected by treachery and ingratitude---even though given without any motive to accuse or traduce an innocent person, yet the story told here is enough to raise the feeling of incredulity in every unprejudiced mind. But

here the fabrication had been entirely controverted: the slanders of discarded servants has been repelled. My lords, I ask what are we to think of a case which is founded on the infamous scandals of these discarded servants, who conspire to fabricate such a story among themselves? What are we to think of a case which mainly rests on the evidence of this Sacchi, if it may be called evidence at all. My lords, I pass over, therefore, the walking in the night at the door and in the room; it cannot be contradicted, only because it is stated to have taken place when no other persons saw it. I will call your attention to another material part of Sacchi's evidence, in which he is directly contradicted; it is in page 438. It is not my intention to go over all the monstrous obscenities which are there detailed, and with which your lordships' ears have been offended; but is it not remarkable that De Mont, who was on the journey to Sènigaglia, has not been called to support and confirm the account of Sacchi? Is not this at least a very surprising omission? It is sworn by Sacchi that, during that journey, he went every morning near her royal highness's carriage at day-break to ask her if she wanted anything; and he says that Bergami travelled in that carriage. It was then put to him whether, on any occasion, he had observed the situation of her royal highness and Bergami. He says he found them both asleep, and their respective hands on the person of each other. Now, though I believe that to be utterly impossible, yet I shall not rest upon that, but call to your lordships' recollection how, when he was pressed in cross-examination on this point, whether there was any other person in the carriage besides the princess and Bergami, he takes refuge in that pretended defect of memory---that happy defect of memory, which may possibly save Majocchi from the legal punishment which he so richly deserved. My lords, is it possible that a man should thus be ignorant whether any other person was in the carriage? But your lordships, I am sure, can never forget how direct this man, in this particular, has been contradicted by the adverse testimony of unimpeached and unimpeachable witnesses. You cannot fail to remember the unfeeling coldness with which Sacchi related his obscene and filthy tale. In page 634, the contradiction is most positive and direct. It there

appears, that instead of Sacchi performing the office of courier on that journey, he travelled in the caratella, and Carlo Forti was the man who attended on horseback with her majesty's carriage. So far from his having the opportunity of approaching the window of her majesty's carriage, he was not the courier who attended on that journey; he did not ride on horseback, for having been much chafed on a former journey, he was allowed to go forward in one of her royal highness's carriages the evening before, in order to provide horses. Then, in page 604, he is cross-examined with the utmost strictness on that point, but so far from giving the slightest contradiction to his former testimony, that when new circumstances were brought to his recollection, he stated some additional facts, which tended to show that he could not be mistaken about it. My lords, there is a new cross-examination on the subject, and nothing at all transpires to shake his testimony as to that particular; and then, my lords, I have this further confirmation on the subject, that De Mont, although on that journey, and who was intimately acquainted with Sacchi, and conversant of every fact that occurred, yet she is not examined to support the account that was given by Sacchi. She was not asked, whether he did or did not ride on horseback on that journey, and surely his was evidence that required all possible confirmation to support it. Let us look to the evidence of lieutenant Townam upon this subject, in page 726 of the printed evidence, where he says, that her majesty, instead of travelling in a carriage with blinds which might be drawn, travelled in an English landaulet. He makes mention of spring blinds, but he mentions a variety of other circumstances, which shew that his memory is quite adequate to the subject on which he speaks. There is no doubt that there was but one journey performed by her majesty from Rome to Senigaglia, and therefore he must be speaking of this very journey. He is asked, "Have you any recollection who performed the office of courier on that journey?" He says, "I think there were two couriers employed by her majesty, Carlo Forti and Sacchini, but which of the two travelled with her majesty on that journey I don't recollect."—"Do you at all remember whether Sacchini was taken ill?"—"I do; and now that you have mentioned that circumstance, my me-

mory, which was before imperfect upon the subject of the courier, is refreshed, and I remember perfectly that Carlo Forti was the courier who travelled with her majesty."—"So that, my lords, by this witness's evidence, the fact that Carlo Forti, and not Sacchini, was the courier on that occasion, remains uncontradicted. In his cross-examination (page 723 to page 744) upon the same subject, and where every circumstance is sifted to the bottom, he remains unshaken in every part of his previous statement, and his evidence becomes still stronger when the transactions of the journey are brought to his recollection, and this, too, when my learned friends are in full possession of the means of contradiction. He is asked a variety of minute questions, in order to try his recollection and the accuracy of his statement. "What sort of carriages carried her royal highness's suite? Where did you sleep?—How far did you go on that day?—Did you travel by day or by night?—Did you not stop at some place called Carlo?—How long did you remain there?—When did you arrive at Senigaglia?"—"All these questions he answers with readiness and promptitude, and with a degree of accuracy which shows that he has a perfect recollection of all that passed on the journey. My learned friend having called Mr. Hownam's recollection to the circumstance of having been at the place called Carlo, he tried to get him into something like a contradiction. He asks him whether he does not recollect leaving Sacchini there, and he does not recollect his being there. Why then he is asked more distinctly as to the description of carriage in which the princess rode; and he says "she travelled in an English landaulet, which was the description of carriage she almost always travelled in." So that it is quite clear she had not travelled in a carriage in which curtains could have been drawn and withdrawn. That fact is certain and incontrovertible. In page 755, having been further examined as to any precise recollection he had of which of the couriers accompanied the carriage on horseback, he says, "I have a slight recollection of one of them travelling in a carriage, but I have no positive recollection upon the subject." "Well then, that further circumstance being brought to your notice, do you now recollect whether Carlo Forti was the

courier who rode in the carriage?" He says, "I do not." So that from the first to the last of the journey, the circumstances stated in this gentleman's evidence makes it extremely improbable that Carlo Forti was the courier on horseback—a fact which places it beyond the possibility of doubt, that her royal highness travelled in an English carriage, accompanied by the countess of Oldi and the highly favoured Bergami. Who is the next witness upon this most important part of the case? Colonel Oliviera, a person of very great respectability; and I am quite sure he gave his evidence in such a manner, as not to draw upon him the slightest imputation to his prejudice. Indeed, I should be doing him injustice, if I did not speak of him with the highest approbation. It is true, he did not accompany her royal highness from Rome to Senigaglia; but observe what he says in page 911 of the evidence. "I supped with her royal highness on the evening of her setting out. She set out about midnight. I had the honor of handing her royal highness into her carriage. It was an English carriage. Besides her royal highness, who went into the carriage, there were the countess of Oldi, Bergami, and the child Victorine." Being asked who accompanied her majesty on her journey, he states that count Vassali and Mr. Hownam were amongst the persons. He saw them in their carriage, and he bowed to them; and he said he had not the least doubt as to the description of carriage in which her royal highness travelled. He was then asked who was the courier who accompanied the carriage, and he says, he saw Carlo Forti go out of the room to accompany her royal highness. On his cross-examination (page 917) he says, that Mr. Hownam, Mr. Vassali, and Lewis Bergami, travelled in a separate carriage. "I think Sehiavini did not set out that night, but went on the following day in a carriage;" but he distinctly swears, that upon that occasion her majesty set out in the landau, and he did not see Sacchi accompany the carriage as courier. Now I find the whole of this statement distinctly confirmed by the rest of the testimony. But I need not draw your lordships' attention to the particulars in which it is so confirmed, because the mode in which he swears, stamps his statement with unquestionable veracity. In his further examina-

tion (page 930) he says, that four carriages, accompanied her royal highness. "I cannot say how long it would take to travel from Rome to Senigaglia." In answer to another question he says, "I saw Carlo Forti on horseback, setting out with the princess as courier?"—No, neither way; Carlo Forti was hired provisionally at Loretto, and advanced at Senigaglia in consequence of his faithful services on the journey thither." He is then cross-examined with a great deal of particularity, and I do not recollect any single circumstance in which he deviates from any of his answers in chief;—so that here is this Mister Sacchi swearing to an indecent and abominable, but improbable transaction, observed by him to have taken place on the public highway, when he was riding by the side of the queen's carriage, in order to do which, he had drawn aside the curtains which protected the carriage on the outside. Now, my lords, he is contradicted in the whole of this abominable and atrocious story. He is contradicted by the courier who did accompany the carriage, Carlo Forti; he is contradicted by Colonel Oliviera, who swears that he saw Carlo Forti, and not Sacchi, accompanying the carriage in capacity of courier; and he is contradicted by count Vassali and lieutenant Hownam. All these four witnesses speak to the entire destruction of this man's evidence, and shew the utter impossibility of its being true. Would this man's evidence have admitted of confirmation? Most assuredly it would in many particulars, had it been founded on the least particle of truth; but it has not received any confirmation, and the evidence we have called to contradict him, has not been encountered by a single fact which could shake its truth. To meet such an abominable story as this man has told, in this part of his evidence, is it possible to go farther than we have done to shew that it is altogether false; and if it be so, what becomes of his evidence as to the other indecent transactions he has described? What becomes of the statement he has given of what took place at the Barons, where he himself confesses to have taken indecent familiarities with certain females? What becomes of the foul imputations upon the queen, which rest entirely upon his evidence, relative to the indecent and improper conduct which took place at the balls—impu-

tions which have been expressly contradicted in detail by the most unquestionable testimony, shewing that there is not a tittle of truth in the whole of the statement. It is stated as a strong circumstance against the queen, that she was black-balled in the Cassino Society at Milan. Why, if that fact be so (which I doubt), it was not because there was any just foundation for such a proceeding, but because she was known to be the persecuted, calumniated, and exiled wife of the prince Regent—because she was known to be condemned to wander abroad over the face of the earth, having no home under which to shelter her careworn head—because she had no asylum to resort to for protection, and because those friends who had on a former occasion carried her triumphantly through the most unjust accusations, were now found in a situation, which I will not trust myself to describe! Under these circumstances, it is impossible that evidence can be found to get over such facts. In the nature of things it is impracticable. Is it necessary for me to go through the list of other witnesses, similar to Sacchi, who have been examined—the Guggiaris, the Galdinis, the Oggionis, the Rancattis, and the rest of Italians whose names tire one in pronouncing? Is it necessary for me to go through any detail of their respective perjuries? Have I not given you a specimen which must at once dispose of them all? When the testimony of this perjured carrier is disposed of, upon evidence the most conclusive, what confidence can your lordship have in the rest of that horde from which he has been selected? What reliance can you place upon the testimony of any one of them, amidst the contradictory, inconsistent, and improbable stories with which they have polluted your ears? If it were necessary, I could point out innumerable instances in which they have forsworn, contradicted, and exposed the weakness of the cause which they have been brought to support. Merely as a sample of their testimony, I will just advert to the story which has been told about the figures of Adam and Eve. Can any man have a doubt now of the falsehoods which have been told in this part of the case? And yet that was one of the most disgusting—the most offensive parts alleged. I do not state the particulars. It is enough for me to state, that Santeno

Luigiani and Gaiseppe Carolini had proved that it was impossible for the man, Paoli Ragazzoni, who deposed to the fact, to have seen who he described. Could my learned friends imagine that this circumstance would pass unnoticed, and uncontradicted? It is impossible. But there is one circumstance connected with this part of the case, which could not but have struck your lordships as surprising and unaccountable. When Ragazzoni spoke of the grotto-scene at the Villa d'Este, it was essential that he should have produced plans to prove the accuracy of his statement. He was an architect, and it was his duty to have taken plans, but this appears not to have been done. On the other hand, the witnesses have mentioned, who were examined for her royal highness, did take plans. Why were not plans taken by Ragazzoni? I'll tell your lordships; because if he had so done, it would have been impossible for him to prove the fact he has dared to assert on his oath, and the plans taken by our witnesses prove this to demonstration, because they show that he could not have been an eye-witness of what he has ventured to describe. My lords, this shows what men will do when great encouragements are held out to them to commit these perjuries, and it shows how cautious other persons ought to be before they enter into any engagements with witnesses of this character. To refer your lordships to another particular, in which the inconsistency, and even perjury, of this witness is manifest, I will mention that, in page 324, this Ragazzoni, speaking of some house-warming, as one of the witnesses called it, and when the gardens of the Villa D'Este were illuminated, says, that he saw the princess and Bergami sitting together on the same bench, at the bottom of the park. Now, supposing this fact to be true, what imputation on the conduct of the queen is there in it? Admitting the fact itself to be satisfactory, proved by the evidence of Ragazzoni, what is his account of it? He says, that he observed this circumstance at 2 o'clock in the morning, and that Domingo Brusa was with him. This, according to my learned friend's mode of counting time in Italy, in stead of being two in the morning, would be about nine at night, the very hour at which the Italian peasantry would be abroad

enjoying the beauty of their happy and delightful climate. Then how does this circumstance of imputation upon us turn out? The thing happened in broad light, and when the transaction must be as open and as public as mid-day; at a time when these low persons (as my learned friend calls them) must have met in throngs in the garden. Another palpable falsehood I cannot forbear pointing out to your lordships, in the evidence of Antonio Bianchi, page 397, who describes the bathing scene in the river Brezzia, and deposes to seeing the princess and Bergami enter a canoe. Unfortunately for the case of my learned friends, this part of the evidence completely fails them, for it turns out, upon the testimony of unimpeachable witnesses, that this river Brezzia is a constant cataract, and as to navigating it, the thing is impossible, according to the evidence of lieutenant Hownam (page 717). I really am astonished at the uncontrollable impudence of these persons in attempting to impose such tales upon the British public. Mr. Hownam states, that to navigate the Brezzia is quite impossible; that it either runs in a torrent, or is so dry that it would be impossible to float a boat in it, and certainly would afford no means of bathing. If, then, the whole host of Italian witnesses were to come forward and depose to this fact which Bianchi mentions, it is quite obvious that they must be guilty of falsehood. But had my learned friend the means of confirming this witness? Surely he had, if his witness is to be believed; for this man says, that the princess and Bergami came out of the water as soon as they saw him with four gentlemen who were in a boat. If, then, there were four other persons in this boat, the circumstance is necessarily open to this observation: why were not these four gentlemen called? Surely it was more desirable that these four gentlemen should be called than this Bianchi. Another feature in the evidence worthy of observation, is in the statement of Giuseppe Guggiari to the boatmen, who took the princess from the Villa D'Este to the theatre at Como. This man states that he saw Bergami kiss the princess four times in the boat. Certainly this is a greater number of times than even Majocchi or any of the other wit-

nesses wrought up their consciences to swear. But this man happens to mention other supposed indecencies that occurred, and I will undertake to say, from the internal evidence of this man's story, no such thing took place. He states, in page 423, that he saw the princess and Bergami come out of the dining-room and go into some other room, where they locked themselves up, but he could not see how they conducted themselves. One of your lordships (p. 426,) asked this man, whether any other persons were present, and saw what he described? and he answered that his brother Rancatti and Giovanni Capella were present. Now it has happened, that in some instances these witnesses have described scenes at which they were severally and alone eye witnesses; but in this instance it so happens that neither Rancatti nor Capella are called to confirm this Guggiari in so important a part of his story. When witnesses came by themselves to state facts which they know of their own knowledge, it may not be possible to confirm them; but where it is possible to confirm them, the least that your lordships have a right to expect is, that confirmatory witnesses shall be called. In this particular, Guggiari stands unconfirmed, for Rancatti is only placed to speak to other circumstances, and Capella is not called at all; and it is to be observed, that throughout the whole testimony of all these Italians, no two of them speak of the same circumstances, except as to such as are matter of public notoriety, and which every body must know. Why do I make this observation, but for the purpose of calling your lordship's attention to the manner in which this case has been got up—to point out the profligate motives of these persons, and to show that the respective parts they have been acting are bottomed in the most sordid and wicked inclinations. I have not troubled your lordships with any minute observations upon the testimony of each of all these numerous witnesses, because, if I have successfully traced their conduct to a bad motive, I do enough to do away the effect of the whole evidence. When their conduct comes to be considered as a question of motive—when I have shown a motive operating upon these persons' minds sufficient to

induce them to impute criminality where it does not exist—when I point out innumerable instances in which they have forsworn themselves in the most important points, I think I need not labour to show that such persons are not entitled to credence. There is one point in the testimony of Sacchi which I had nearly forgotten to bring to your lordship's attention, and which I think material to show the positive falsehood of this man. He tells your lordships, that about twelve months since he was induced to change his name, and assume that of Villani, in consequence of what then happened to himself at Dover, where a tumult had happened, threatening danger to the Italian witnesses. Now it is clearly in proof that no such tumult took place, and that there was no danger to which he himself was exposed. What reliance can your lordships place upon the testimony of this important witness—a witness whose evidence is so much thought of by my learned friends—when he stands convicted of so palpable a falsehood. Need I go any farther to show the contradictions of this man, who, upon his own showing, is not fit to be believed upon his oath. Then we come to the most important witness of all—important for his influence, and for the part he has acted in this drama—I mean his friend Guiseppe Rastelli, whom I have proved to be one of the most active agents of the Milan commission. I hope not to be misunderstood in speaking of that commission. We have heard a great deal as to the motives and the characters of the commissioners. With regard to the head-commissioner, Mr. Cooke, I have no interest in saying any thing to his prejudice. I have never heard any thing of his character that should induce me to entertain any thing but respect for it; but, notwithstanding all I have heard, and with all my disposition to treat his character with respect, and that disposition does feel an involuntary check when I find that he has stooped to accept the office of commissioner which has been imposed upon him. He is a profound lawyer—a man of great scientific knowledge and research—a man of great judgment, and a legal adept; but I confess that, of all the distinguished names in Westminster Hall, I do not think there is one that could be less qualified for

the important business of cross-examination, and sifting evidence with effect, or a man whose talents and whose experience could so little put him in a condition to check the falsehoods brought before him by artful witnesses, or to check the base practices of those employed under him, to induce witnesses to come within the range of examination. In a situation where the most anxious and jealous attention that man could bestow, was requisite to prepare evidence in such a case, I think there could hardly be found a person so little capable of giving useful information on the subject. The result is, that the only real and active commissioner was Mr. Powell, whom we now find to be the attorney in this prosecution; and, I believe, the only and the first attorney who was ever able to collect evidence and prepare his case by compulsory powers—such as those with which he was furnished by his commission. As to colonel Brown, he was no more than the hand to bring the witnesses before Mr. Commissioner Powell; he was only the instrument in the hands of those commissioners, whose compulsory powers enabled them to bring by force, threats, or money, every witness before them whom they thought necessary to the support of their case. Mr. Powell, the attorney for this prosecution, I think we may venture to believe, however, is the only commissioner in the business. I wish most sincerely that Mr. Cooke had not accepted the commission; but, perhaps, I am not displeased that Mr. Powell was the person selected. We have it in evidence: it appears that Rastelli was first engaged as a witness, and then as a courier; and I beg to call your lordships' attention to the impropriety of employing the same person in the double character of witness and courier. To be sure, if there could be a more unfit season than another for such an employment, it was that when this man was sent out of the country—an employment which gave him an opportunity of comparing notes, from time to time, with those persons who had an opportunity of watching the conduct of the queen. I say it is the most uncandid, not to say indecent, proceeding, that was ever heard of in the conduct of any inquiry, and ought never to have occurred. The cha-

acters of witness and courier should have been kept entirely distinct, but more especially considering the vast powers with which Mr. Powell was invested, to enable him to execute the duties of a commissioner—an office which gave him immense advantage in the first instance, from the previous communications he had with Raastelli, who appears to have acted in the service of the commissioners as clerk, agent, and witness. This employment also furnished him with the opportunity of holding out the terrors of perjury to the witnesses who might be disposed to come here on behalf of the queen—to threaten them with punishment, and to prevent, by various means, the honest discharge of their duty towards our illustrious client. My lords, even if there had been no distinct pledge given upon this subject, still Mr. Powell ought to have known better than to send this man abroad to beat up for more recruits—to mingle himself among more witnesses, and to find out, if possible, the means of contradicting the evidence for her majesty. But, my lords, this is not all. In the language of plain and sober truth, no man can conceive the extent of injury inflicted upon her majesty by being deprived of the opportunity of cross-examining that man at the moment when he was called for. The mischief might never be repaired. It is impossible for any man to calculate the consequences of not being able to cross-examine him at the critical moment when his presence was required. He is sent away immediately after he is examined, and now, on the 25th day of October, he is not returned, and there is no reason assigned for his absence. What becomes of the security your lordships gave, that truth should be told by this witness, and that he should be subjected to the pains and penalties of perjury if he did not speak the truth? But that is not the worst part of the story; because he is taken away at a period when it is a most important object to bring other witnesses, and patch up a ragged case, by collecting new facts and information, to get rid of the effect of our contradiction. I think we have great reason to complain of want of candour in this proceeding, a complaint which ought to have great weight when some persons are constantly appealing to the house,

and casting imputations upon our course of conduct. If this person had been sent away inadvertently, or for want of proper caution, it was the duty of those who sent him to apprise us of what had taken place; but instead of that, they uncandidly take the chance of our not making the discovery—a discovery which we should never have made until we had sent for him from Cotton Garden, and had not answered when he was first called. I don't think we should have been told of the fact, according to the candour we have hitherto experienced, if we had not accidentally discovered it upon the cross-examination of a person who was called to contradict him, and then, for the first time, it appears, that this man had fled for some reason or other; whether for an innocent purpose I care not, but we should have, in candour, been told of it.

The Lord Chancellor here interposed, and suggested to Mr. Denman, whether it would not be desirable he should retire for a short time to refresh himself, considering the very arduous and important duty he had to discharge (hears, hears).

Mr. Denman bowed thanks, and said, he should accept the indulgence of the house, but certainly for a very short time. The learned counsel accordingly retired, and the house adjourned during pleasure.

At a quarter after two o'clock, Mr. Denman returned to the house, and then proceeded as follows:—

My Lords, in the discharge of my duty on this important subject, I have been most anxious, and I am not aware, upon looking back, that there is a single point which I have left untouched, although I am ready to admit, that the arguments which I have submitted to your lordships might have been made more fully and substantially urged. There is only one observation to which I am desirous of recurring, and that is, the observation which, among others, was made upon the conduct of her royal highness in performing the part of columbine while Luigi Bergami performed the part of harlequin, at the little theatre of the Villa D'Este. My lords, I have only one remark to make upon this fact, and it is one which will naturally occur to any of your lordships who happen to be familiar with the nature of the characters of harlequin and columbine as performed

in Italy. In Italy, these characters are quite different from those under the same title represented at Drury Lane. They are there speaking characters, and the name is harlequin. The person who represents this character is the servant of the lover. Columbine is the Rosalva, and instead of being the lover of harlequin, is the lover of another character called Lellio, whose servant harlequin is. The English exhibition has been very improperly translated from the Italian theatre. I make this observation merely as it occurred; for undoubtedly it would be too much to attach anything criminal to her royal highness for an act, which is only consistent with that disposition which she has always shewn to enjoy all the innocent pleasures of life, without sacrificing any part of that dignity which naturally belonged to her character. Her royal highness possesses that peculiar talent, which often belongs to individuals of high rank and station, that of lifting persons from an humble sphere to a familiar intercourse, without in the smallest degree sacrificing her title to that respect, to that deference, and to that attention, which is due, not only from a good subject, but which, under all circumstances, is due from every honest man to females who occupy so important a station. My lords, in referring to the Milan commission, my learned friend (Mr. Brougham) is supposed to have admitted that nothing like a conspiracy existed in this case; but I think, if I remember right what he said on that occasion, it was this:—"That supposing a conspiracy did exist, it was no part of his duty to prove it, in the first instance, against the individuals who might be charged as parties to it;"—but he added, "if the case exhibited all the symptoms which have been found to arise from the Milan commission, then the conclusion to which their lordships must come was clear and manifest." My lords, I beg leave to adopt this part of my learned friend's proposition. We are not bound to charge any individual or class of individuals with conspiracy, although, perhaps, we might be able so to do; but if I satisfy your lordships that all that has occurred cannot be reasonably accounted for, except under circumstances of great suspicion, then we shall have a much better, and more conclusive case against those who have

prosecuted her majesty than they have been enabled to fabricate against her majesty, with all their vast means—with all their unbounded resources, and with all their uncontrolled power. How came the witnesses in support of this bill here? It was said they had not come by compulsion; then, if they came as volunteers, what were the sordid and corrupt motives by which they were influenced? If they come as the apostles of morality, did they come without scrip or staff, without brass or silver in their pockets, without shoes to their feet, and without two coats to their back? Did they come for their tender regard for the honor and dignity of the English crown? If that were their object, I believe there is not a man who hears me that will not join me in thinking, that their labours have been attended with an effect directly the reverse. Did they come to support the moral interests of the people of this vast empire? I humbly apprehend the moral interests of these people would have been much better consulted by a far different course; because, whatever great moral results may ultimately arise from this proceeding, as it now stands it can only produce the most injurious effects upon public morals. I say this because in the first place, the most innocent and ordinary occupations of life have been converted into evidence of crime, and coupled with the most vicious and revolting associations. Every little transaction, however distant from suspicion under other circumstances, has in the present instance been blackened by the touch of calumny and malignancy. In what I have said I have been supposing that all these facts have been proved against her majesty, instead of their having been, as is the truth, controverted in the clearest and most satisfactory manner; but even supposing she were guilty of all these sins against morality—of all those shameless and unblushing acts alluded to in the charges, still there will lurk in the minds of all men that mischievous casuistry which will induce them to find a justification, an excuse, for what is immoral, to weigh in the balance against the disgrace which may be apprehended from yielding to temptation. A more unfortunate result, or one which will be attended with more fatal, and more distressing consequences to future ages, it is impossible to conceive.

This observation only arises upon the supposition, that the facts have been proved; but they are not proved—they have not been made out—they shall be shewn to have resulted in every instance from such circumstances, and from such individuals as are entitled to no credit whatever before any just tribunal. My lords, I was proceeding to observe upon the Milan commission, and upon the extraordinary means which, under the direction of the individuals composing that commission, were taken for the corruption and collection of witnesses. The minutes on your table shew the way in which Sacchi met with Majocchi, and the way in which De Mont was made the first object of his attack, as well as describe the course of his travels under the character in which he acted. My lords, Rastelli was withdrawn from your notice, at a period and under circumstances which become extremely material, when it is considered who the gentleman was by whom he was sent away. I beg to call your lordships' attention to Mr. Powell's statement on this subject, at page 811, of the printed evidence. Mr. Powell says, "that he sent Rastelli on a mission out of this country—that he recommended him to the foreign office, as a courier, to get a passport; and, my lords, the motives, the reasons, and the grounds, by which he justified himself in sending away this important personage, I will state in his own language. He says, "I learned that various reports were propagated in Italy, of the dangers which the witnesses for the bill ran by coming over to this country: I had heard that reports were propagated in Italy that they had received great personal injuries. I had heard that the families of those persons who were here, were exceedingly anxious upon the subject of their relations who were in this country: I had understood Rastelli to be acquainted with the greater part of the families of those persons, and I considered that it would be an act of humanity to those relations and friends, that some person who had seen the whole of these witnesses, in this country, and who was acquainted with their families, should go over there with letters from these witnesses; and having been himself an eye-witness of their safety here, that he should report to those families what their situation really was, and by that means that he

should put an end to the great anxiety which I thought those families must necessarily feel for their friends." Now, my lords, if this were the fact, I beg to know why Rastelli was the person sent? It is said that he was known to several of them, and therefore he was the fittest person to go. But all these persons wrote letters,—and why was Rastelli to be the courier to carry these letters,—would not the families and friends of these people believe the testimony of their own hand writing, without the additional evidence of Rastelli? Why, I will again ask, was Rastelli so particularly selected? This man had stated expressly, in his evidence, that he knew the witnesses only by sight, and that this knowledge was obtained while he continued with them in bringing them over to this country. He was asked to state which of these individuals he knew, and he said there were some he knew, and some he did not know, and many of them that he had not seen before. In page 413, he is asked which of them he does know; and he states the names of Carlo Rancatti, Geralimo Maoni, Paolo Oggeoni, Philip Biganti, and Henrico Bail. Neither of the two last of these have been called; they were therefore at liberty to have attended Mr. Krous when he was sent as courier upon the expedition to Milan. Well, but Rastelli was sent, and Mr. Powell is examined: and here it is not a little singular to remark, that Mr. Powell's memory fails in a very material point—namely, that Rastelli was to return before the 3d of October. It was not till a subsequent part of his evidence, that he recollected that he had given specific instructions that he should come back before the 3d of October. He is first stated to have been sent out from pure tenderness to the families of the witnesses, without any reference to future proceedings. That any future proceedings will take place, I hope and trust there is but little chance. Still, however, in an answer to a subsequent question put to Mr. Powell, as to whether he had received any communication, which led him to believe it probable that Rastelli would soon be in England, he answers—"I have every reason to believe that he will be in England soon, because the most positive directions were sent that he should be sent over; these directions were sent two or three times." And it is

very remarkable that, at the time Mr. Powell speaks with so much confidence, he is apprised that the man is confined to his bed with a fever: such, however, is the influence which he thinks his directions will have, that he concludes the moment they are received the man "will take up his bed and walk," and present himself in five days at your lordships' bar. Now, on this point, I think the correspondence which was read the day before yesterday is of no small importance. In one of those letters it is stated by colonel Brown, that he much fears that Rastelli is shuffling: he adds "He is in bed, and says he has a fever from crossing the water, and he has a hearty dislike to returning to England." My lords, I believe this to be extremely correct; he may have heard of the punishment of the pillory in this country, and that persons guilty of perjury are still liable to that punishment. Colonel Brown then goes on to say, "I wish he had not been sent back at such a moment, as it will, I am sure, be difficult to move him again. I shall press him the moment he leaves his bed." This letter was dated the 27th of September. There is a subsequent letter, on the 2d of October, which says, "Rastelli is still ill in his bed;" and another of the same date, to this effect, "Rastelli is also on his pillow, and has been bled twice yesterday. He has a serious fever, and, as I hear, he attributes it to having vomited blood on the passage over the water. I expect very great difficulty in getting him back to London." Now, my lords, these letters from colonel Brown were in Mr. Powell's possession on the 7th of October, and yet, on the 13th of October, Mr. Powell tells your lordships, that "he has every reason to believe Rastelli will be very soon in England?" Well, this being the case, I shall now proceed a little further with Mr. Powell. Your lordships will recollect that Mr. Powell states in another part of his evidence, that "he had not the least idea that Rastelli would be wanted again in the house of lords." If this were Mr. Powell's notion on this subject, I should like to know why his instructions were, that "he should return with all possible despatch;" and that he should be in England precisely on the day on which the proceedings in this house were to recommence? Why, if "he had not the least idea that Rastelli would be

wanted, until this bill found its way on the table of the house of commons;" and he specifically desired he might be returned, on or before the 3d of October. He states that, "if he had not the fullest expectation that he would return, he would not have sent him." It is quite clear that other persons might have been found to tranquillize the minds of the relations of the witnesses in this country. But upon Saturday the 14th of October, Mr. Powell is again called to state something on the subject of Rastelli's departure; and he then tells you of a circumstance of which you had not at all heard before: he tells you that Rastelli took some papers to be legalized, and that he was to return with those legalized papers to be presented to your lordships on the 3d of October? I cannot, myself, at all think how it was possible for these papers to be brought before your lordships. However, giving Mr. Powell every credit for the existence of such documents, I should like to know how it was he did not think proper to disclose any thing respecting them when he was at your lordships' bar, upon the former occasion. The correspondence of colonel Brown seems mainly to consist of an intimation that Rastelli was ill of a fever, and it is this fact which the attorney in this case thinks it necessary to withhold, asserting that it is a confidential communication, and that the commissioners must be protected from all inquiry. Mr. Powell, who first stated that Rastelli was sent to Milan merely for the purpose of calming the minds of the families of the witnesses in this country, afterwards says he recollects that he had stated to Rastelli he was to be back on or before the 3d of October, or as soon as he possibly could. Then again, when reminded that he had said that he thought Rastelli would not be wanted till the bill went to the house of commons, he reiterates his answer and again says, that such was his impression. I should like to know then what difference it made whether Rastelli returned on the 3d of October or at a subsequent period? None, whatever. But when your lordships recur to a statement made by Mr. Powell on the correspondence to which I have just now referred, and which is dated Lincoln's Inn, September 13th, a new light breaks in; then it seems there was another and a more important object

for sending Rastelli back to colonel Brown. What does he say, "I now return you Rastelli, as I conceive he may be of use to you." To you, colonel Brown, who are the resident agent of this notable commission at Milan. Was this for the sole purpose of tranquillizing the minds of the friends of the Italian witnesses. No; and the conclusion of the letter is sufficiently clear on this point; for Mr. Powell then goes on to say, "but take care that you let me have him again on the 3d of October." For what? to be ready to stand another cross-examination? No; but to bring with him all the witnesses and information that his friend colonel Brown can collect. Thus it appears at last, that Rastelli goes out for all these different objects, and the prevaricating disposition of Mr. Powell stands openly exposed. Now, my lords, I do not want to falsify the testimony of Mr. Powell, but I will put it to your lordships whether, if a gallant, but not perhaps well-informed individual, who had come to your bar to give evidence in favor of the queen, had, in his cross-examination on the part of my learned friend the Solicitor-General, given testimony of this description, whether there would not have been some murmurs of applause—some thrills of triumph trumpeted through the streets of London, that he had been detected in prevarication and falsehood? My lords, while on this subject, I will shew the manner in which the proceedings in this house are represented, and the sort of machinations which are resorted to for the purpose of destroying the illustrious individual now on her trial. In what manner do I find the gallant officer who gave his evidence at your lordships' bar described in one of the daily papers of this town. I find it stated, that "in consequence of the manner in which captain Flynn gave his evidence, he had been consigned to everlasting infamy." To your lordships I will refer what he did say on that occasion; and I am sure you will agree with me in thinking that he spoke nothing but the truth. I merely make this remark for the purpose of constraining the evidence of a witness who manifested the most nervous irritation—the most nervous trepidation—with the evidence of Mr. Powell, the attorney for the prosecution—and I will ask your lordships whether you

have discovered less of falsehood and prevarication in him than you found from captain Flynn. In the same paper it is stated that the husband of madame Martini was a bankrupt. Your lordships' will hardly forget the answer which that lady gave to this insinuation. She repelled it with indignation, and pronounced it an utter falsehood. But, my lords, it is not worth my while to waste your lordships' time in referring to the exaggerated statements, and to the gross misrepresentations which now, for the first time, proceed from the English press in order to destroy the party accused, and to take from the defendant, not only the presumption of innocence which belonged to every individual till pronounced guilty, but at once to pronounce her guilty, without the possibility of proving her innocence (cries of name the paper). Mr. Denman mentioned the Morning Post, and then proceeded as follows: Now, my lords, as to the circumstances under which these Milan Commissioners have acted: supposing it had been their disposition to get evidence at all riques—would it have been possible to have selected better agents than Sacchi and Rastelli—would it have been possible to apply to a better quarter to obtain information respecting the queen than by resorting to De Mont? She had been for three uninterrupted years in the service of her majesty, and was constantly attendant upon her person at whatever place she visited. Do you think that under the great powers, and with the unlimited funds left at the disposal of these commissioners, that they would have remained in ignorance of any one act, or any one movement, of her royal highness? Do you think that in the selection of the persons to prove such acts as were essential to their purpose, that they would not have chosen such persons for their agents as were capable of getting up facts which it would be impossible to find any individual to contradict. In their selection of Rastelli, however, they were most unfortunate; and the absence of this man, it was impossible, with a view to her majesty's interests, too much to deplore. My lords, if we had him now, how different would be his situation to that in which he first stood. It is in vain to call his absence a loss to her majesty's cause, and to say, that some equivalent must be allowed: the loss is

irreparable; your lordships can no more make up for this loss than you can recall the time that is passed. It is quite impossible that any thing can be concocted to us which will operate as a compensation in such a case. But what could be allowed? Will your lordships give us up Cuchi, give up his evidence, and strike it out of the case? That we don't want—for his evidence is destroyed already. Then what will you give us next? Will you give us up Ragazzoni and his Adam and Eve scene? That, too, is disposed of. Will you give up Ogoioni? In fact, in the whole 500 pages of evidence before your lordships, what is there you can give us up as an equivalent for this loss? The only difficulty is, to find throughout the whole of those pages, amongst all that has been proved against the queen, one respectable evidence to whose testimony the slightest value can be attached. My lords, I shall now refer to Rastelli, and to the manner in which he was employed in the month of November, 1817. I allude to the period when he was "beating up for recruits in all quarters." The evidence of Phillippo Pomi is most important in this point, and explains to you the whole proceeding. Pomi states, that having gone to the Bazona, he was there met by several persons, including Rastelli and De Mont. Rastelli addressed him, and said "that as he was frequently in the habit of attending he was an individual who would make a grand witness, because he must know facts to the discredit of her royal highness." The answer the man makes to this application of Rastelli is, "that he knows nothing at all to affect the character of her royal highness; but that, on the contrary, he knows her to have been a beneficent character, and an individual whose acts had been so good that he would go to the end of the world to serve her." But what says Rastelli, "Never mind that," says he, "here is De Mont, who has made a good day's work; she has done well for herself; and, Pomi, if you have any thing to depose, now is the time to come forward, to get a great present and become a great man." They then went to an inn together, and what was said there? "Rastelli told me," says Pomi, "that De Mont was still in the service of her royal highness (a fact which she did not mention herself), and then I found out that she was here; and then he

told me if I would depose something against the princess I should have a great present. I said I had been a long time in her royal highness's house, and knew nothing against her. He said, I know nothing myself; but cannot you say that you have seen Bergami lifting her on an ass, and putting his hands under her petticoats? I replied, "that was a real falsehood, so I had never seen Bergami treating her otherwise than with the greatest respect;" and so this application ended. It shews to your lordships, however, the unlimited power of promising which was given to these Rastelli and Sacchis. But was it to be supposed that every application of the same sort was equally unsuccessful? It appeared, too, that not only had money been offered, but that the influence of the Austrian government had been exerted to obtain these witnesses, and to assist the objects of the commissioners. It is quite possible, and more than probable, that other persons were engaged in the same sort of agency, whose names had not yet been discovered. Riganti has been proved to have made similar offers. The same Pomi, to whom I have already alluded, has given evidence of this fact. He was stopped in his testimony, because the agency of Riganti had not been fixed; but he afterwards stated the attempts which had been made to induce him to come forward; and proved that Riganti was one of the most active agents of the Milan Commission in corrupting and bribing witnesses to depose against the queen. Nothing, my lords, surprises me so much, as that one should have been able to effect so much. Is it not a great deal that we, who have had no list of witnesses, and no opportunity of coming at the truth, should have been able to detect two individuals acting in this way. Rastelli, who has been spirited away, and Riganti, who it is known is in this country, and yet who has not been called to contradict the wicked acts which have been charged against him. What did this fellow propose to Pomi to swear, after he had distinctly stated that he knew of no impropriety on the part of her royal highness? Why, that "he had seen Bergami put his hand up her royal highness's petticoats when he was lifting her on an ass." Offering a positive bribe to a witness to swear to an infamous and atrocious falsehood. This

evidence, my lords, is important in another point of view; for on referring to the testimony of Majocchi, it will be seen that he, while her majesty was at Genoa, attempted to cast a similar imputation upon her majesty, by describing the fact of Bergami lifting her upon an ass as a positive embrace. It was thus that truth was made the foundation of falsehood. I have before stated, that although Rastelli has been sent away, yet that Riganli is still in the country; and yet, notwithstanding the nature of the cross-examination into which my learned friends have entered, captain Briggs, of whom I shall bye and bye speak, is the only witness who has been called to contradict the witnesses who have been examined on the part of the queen. I shall now, my lords, proceed to Bonfiglio Pomati. It is impossible for me not to admit that this person is not a very pure character; but, with respect to those who have come against the queen, I must say I think he is purity itself. He has certainly been guilty of acts which are very discreditable to him; but then he has repented of them, and I wish to my soul those on the other side had repented also. My lords, in page 878 it will be seen "that while Codatzi was attorney to her majesty, this individual, who was his clerk, was applied to by Vilmacarti to steal from his master's office those papers which related to her majesty's personal affairs, for which he was to receive the sum of three or four hundred francs." Now my learned friend says, that all this comes on him by surprise. Yet, in his cross-examination, he fully proves, that the whole of the facts were completely within his knowledge. The witness swore distinctly, that he went to colonel Brown to complain that the compensation he had received was not satisfactory, and that colonel Brown shut the door to prevent the conversation from being overheard; and my learned friends, by their cross-examination, admit that colonel Brown shut the door: but want to make the witness tell his name. Well, then, the man says, "I got the papers for Vilmacarti several times, and I repented of it at the beginning of the year. He was then asked by the Solicitor-General, "if he did not, as late as July, furnish Vilmacarti with papers relative to the queen?" By this very question, my lords, I submit, that my learned friends have evinced their full

knowledge of what was going forward between Vilmacarti and this man. My lords, we have had no list of witnesses against her majesty; but your lordships will see my learned friends on the other side have had an opportunity of knowing every witness who was to be called in her favour, from the atrocious villainy of their agents, who bribed Pomati to betray the confidence of his master's illustrious client. I will not deny, that it is due to colonel Brown to make further inquiry into this subject hereafter; but I will say, that, with the knowledge which colonel Brown had of this business, it was his duty to have come over here to defend his character, and to contradict the testimony of this clerk, my learned friends cannot plead ignorance of the process against Vilmacarti in Milan at the suite of Codatzi, for his conduct with respect to these papers, and it was dismissed, not for want of proof, but from difficulty of proving that the papers stolen were of any value. Under such circumstances, my lords, I repeat, that colonel Brown ought to have been here; and I cannot but think that it was monstrous to ask for time to enable him to come from Milan. My lords, I must undoubtedly say, that it is a matter to me of great surprise, after the sort of cross-examination to which the witnesses for her majesty have been subjected, and from which it might fairly have been inferred that they were uttering that which was false, that no attempt should be made to call other witnesses to contradict them. It is indeed matter of surprise to me, that only one witness should have been called to the bar to contradict any part of the defence—and the fact to which that witness has been called, I am now about to notice. Lieutenant Hownam, who has been for several years in the suite of her royal highness, who saw Bergami in the various situations of courier, page, equerry, and finally of chamberlain, and who also saw him for the first time introduced to the table of her royal highness, distinctly swears that he never observed the smallest impropriety to have taken place between these two individuals. The manner in which lieutenant Hownam had given his evidence, carried with it every mark of candour and truth. He did not strain his memory as to a single fact, nor was he betrayed into the slightest mistake. But he is asked if he ever recollected, while walk-

ing the quarter-deck with a captain, saying any thing about "going on his knees before her royal highness, and entreating her with tears in his eyes, not to take Bergami to her table?" And mark his answer, "I do not recollect it, and therefore, I do not believe it ever took place at all." Your lordship are aware that matters of belief are not evidence, unless it can be proved that the absence of belief is impossible; but we have not taken that objection, because we wished the house to know all that these two honourable men had to say. Now, my lords, I submit, that the thing which lieutenant Hownam is represented to have said took place, never could have taken place—it was impossible that it should—and for this obvious reason, that at the time Bergami was taken to her royal highness's table, no previous arrangement had been made—no suggestion had been thrown out on the subject. The fact was, that the occurrence took place by surprise, when her royal highness was on her journey to St. Gothard. That was the first time the courier was found sitting at her table, and this without any previous preparation. It was a sudden determination, arising out of the circumstances in which her royal highness was placed, and from that kindness which she is described as having evinced towards all her domestics, whether high or low, under every circumstance, but especially at a moment when she was snatching a hasty meal among extraordinary difficulties. Therefore I say that it was impossible for lieutenant Hownam to have foreseen such an event; and even if he had, it is not very natural that a young man as he then was, dependent on the bounty of his royal mistress, and indebted to her royal highness for his promotion, would have thought himself justified in taking such a liberty as to interfere with an arrangement which she might think proper to make. But, my lords, I beg you will not understand me as meaning to discredit captain Briggs, although I did not imagine that conversations between officers on the quarter-deck, and especially of a confidential nature, were treated with a little more of that reserve than appears to have been the case in the present instance. And I say this the more as captain Briggs must have known he was conversing with a gentleman enjoying the fullest confidence of her royal highness. I am sorry in

speaking of captain Briggs that I should have been wrong in my estimate of his feelings, at least on such a subject. But, my lords, I do not think that the memory of captain Briggs, even in his report of this confidential conversation, has been perfectly correct. I mean no offence; but I think the probability is, that the expressions made use of by lieutenant Hownam were something like these; "If I could have prevented it I would have prevented it, and, with tears in my eyes, I would have entreated her royal highness." This is, in my opinion, the only likely solution of the discrepancy in the evidence of these two gentlemen; for I am convinced that they are both honourable men, and therefore I would not say a word to impeach the one for the purpose of defending the other. My lords, that circumstance, and the circumstance of lieutenant Flynn saying that his name was signed to a paper which was not signed, are the only two circumstances in the whole of the evidence in favour of the queen, from beginning to end, upon which one word of doubt has been thrown, and these I apprehend I have now explained to your lordships' satisfaction. There is nothing else on which I think it necessary to offer a word of apology or explanation. I think that the apology ought to come from the other side, and especially when your lordships come to reflect upon the case, which has been established on the part of her majesty. When the fact of lady Charlotte Lindsay's continuance in the household of her royal highness for so long a period is considered, I think this itself is acquittal in that lady's mind of her royal mistress of all the calumnies which had been circulated to her prejudice. My lords, a long list of persons from Mr. St. Leger down to Mr. W. Burrell, was given to your lordships, of persons who had been obliged to quit the service of her royal highness on account of the impropriety of her demeanour. If this were true, was there ever such an opportunity for establishing this impropriety. Where were all these persons, and what prevented them from giving evidence to the fact if it existed? Have not the major part of them been at your lordships' bar, and distinctly disproved the allegations which have been made? Is it to be credited that if there were any bona fide thoughts that her majesty had misconducted

herself in the manner described, that she would not have received some remonstrance from home, and would not have been warned that express charges had been made against her which she was called upon to refute. Captain Briggs and Captain Pechell must have heard of these reports, and lieutenant Flynn might have been recited to on the subject if necessary. Nothing of the kind has been done; and not one of these dozen persons has been called to establish a single fact which could be the ground for the remotest suspicion. It is difficult to imagine how any human being could have the cruelty to allow this accusation to sleep for six years. Had it been brought forward soon after the transactions occurred, many circumstances, now impossible to be explained, might have admitted of an easy explanation. Rumours and reports have been allowed to ripen into the most malignant charges; and it is only to be lamented that any circumstance of the sudden promotion of Bergami should have given plausibility to the statements of these blood hounds of scandal with whom the queen has had to deal in the neighbourhood of Milan. My lords, if there has been any fault, it has been the fault of indiscretion, but not impropriety; and it was only indiscreet because Mr. Craven had warned her royal highness of the spies by whom she was surrounded; because Lieutenant Howman had probably made a similar remonstrance; and because she had had the experience of 1806, and the knowledge of Baron Ompteda. It is on these grounds alone, my lords, that I allow it to be indiscreet, because I believe, in my conscience, in every other point of view, that the conduct of her royal highness has been most satisfactorily explained. The learned council on the other side have said, and the world would have been taught to believe, that all the witnesses were to be called on, whatever way their evidence might operate. I am to suppose then, my lords, that my learned friend, the Solicitor-General, who concluded with a prayer for the queen, to "give her the victory over all her enemies," (which seems very likely to be granted) thought that the Earl of Guildford, who, without distrust, twice sat at the table of the princess with Bergami (for her royal highness courted the society of accom-

plished and polished Englishmen, like the noble earl), would have been able to prove something against the queen, and consequently out of mere charity declined to call him. In the same way, I suppose, the Attorney-General thought that lord Glenbervie, who made a voluntary tender of the services of his lady, when, in some way or other, all her English suite had dropped away from the princess, could only give testimony to her disadvantage. For the same reason lady C. Lindsay, who had not seen the slightest impropriety, must have been withheld. Lord Llandaff too had not been called by the supporters of the bill, because his lordship, as well as Sir W. Gell and Mr. K. Craven, were well acquainted with the habits of her royal highness, and must have known them to be impure. They must have looked upon Dr. Holland too as a person whose evidence would have been most injurious. But even if this were so, my learned friends would have had an opportunity of drawing out facts by the easy and ordinary process of examination, without resorting to a cross-examination, which they so well understand, and of which in the course of this inquiry they have given such striking examples. Am I to be told, my lords, that such witnesses as those whom I have enumerated are immaterial, and prove nothing as to the main facts of this case? I assert on the contrary, that they gave the most decided negative, and show the utter impossibility of an adulterous intercourse. From first to last there has been no attempt to disguise; no attempt to conceal; the promotion of Bergami was attended with circumstances naturally to account for it, and there is nothing in his manners to mark that improper assumption of privilege which an illicit amour would have entitled him to claim. When the bill is founded on the supposition of the low, degraded, and menial capacity of the individual so promoted, it would have been but fair to inquire under what circumstances he had been received into the princess's service; under what circumstances she chose him for her senior chamberlain, and whether she could have raised a man to fill that office with more ability, discretion, and propriety?—Perhaps, my lords, I ought not to go through with particularity all the evidence called in exculpation, although that may be con-

sidered as my peculiar duty. Otherwise I should refer the house to the testimony of William Carrington and John Whitcombe (the servants of Sir Wm. Gell and Mr. Craven), who proved that the whole story of the illicit connexion at Naples was the fabrication of De Mont. In the same way I would advert to all the subsequent witnesses—to Sicard, to Dr. Holland, to Mr. Mills, and to every person that has been produced in succession. They have disproved the case on so many points as to deprive it of every vestige of credit: they have contradicted the testimony of witnesses, who, indeed, already stood self-contradicted and self-condemned. The counsel for her majesty has done more than they would have been called upon to do in any court of justice, when they condescended to give an answer to such animals as had been placed at the bar on the other side. Every opportunity of contradiction had been successfully seized; and on every single point, where it was possible to show falsehood, that falsehood had been distinctly exposed. It is impossible that the house can give ear to any such insinuation as that those who were discredited in every particular, where it was possible to discredit them, were entitled to belief as to facts which rested on the knowledge or invention of themselves alone. It is enough to mention the names of Senigaglia, Charvitz, and Carlsrhue, to bring to mind the atrocious attempts at subornation, which would convert the most innocent act into the most disgusting exhibition. My lords, I am aware that it would be expected of me that I should say something on the subject of the witnesses we have not called; and here, as in every part of the case, I beg leave to contrast, in principle and circumstances the situation of the accuser and the accused. Every prosecutor who pretended to come forward in behalf of public justice, is bound by the office he has undertaken to lay before the jury all the evidence that can bear upon the facts. What then was to be thought of a public prosecutor, who was contented with setting up a *prima facie* case of charge against the first subject in the realm, at the same time knowing, or having the means of knowing, that that *prima facie* case was capable of being destroyed by the clearest evidence? What was to be said of that prosecutor if he de-

clined to make the necessary inquiries, or, perhaps, kept the evidence in his pocket, leaving a defendant to take his chance whether he could not by other means establish his innocence. I know not, my lords, with what face the other side can call upon us for additional witnesses, when the prosecutors have been so abstemious. At least this is new in the history of English justice; it is quite new that a case of belief and suspicion, extorted on cross-examination, should be tortured into the inference of guilt, when that belief and suspicion are capable of being removed in the first instance. Why have not the charges against the queen been brought to the test of complete investigation, if the prosecutor intends honestly to perform his duty. I entreat the house to look at the effect of this proceeding in the present case. The queen was compelled to take her chance in every endeavour to refute the accusations, the substance of which has been for years collecting; she must take her chance as to the frailty of memory, after the lapse of so long a period; as to the weakness of the nerves of witnesses, for the first time brought before an assembly like the present; as to the delusion of memory, and the faintness of the impression of passing events, and as to the petty triumphs produced on every occasion where a witness might make an accidental slip, and thus cast a momentary shade over the veracity of his statement. Her majesty, however, has gone much further than this; she has shewn, not only that the witnesses, taken as individuals, have not spoken the truth, but that such practices have been employed for collecting the evidence, such bribes have been offered, and such despicable means resorted to, as perhaps were never before disclosed in the history of English justice. The artifice of Dr. Crook had not been discovered till many years afterwards; nor was it known how much the value of the opinions he had obtained was diminished by the fact that he had purchased them. What was to be thought of these discarded servants, these domestic traitors, who voluntarily offered themselves as witnesses against the life and character of their benefactress, and who for selfish purposes, appeared against her to destroy that reputation on which they had previously passed the highest encomiums?

There is one topic, my lords, on which it is impossible for me not to comment. We have been told that the conduct of her majesty furnishes an inference in support of the charges in the preamble. I am ready that the defence shall stand or fall by that test; and I ask, whether it is possible for a person so depraved, in the first place, to have turned away all her servants, at the moment when they had possessed themselves of the most important and damning secrets, and afterwards to have proceeded in that low attachment, that disgusting debauchery with an individual who had been elevated for the most criminal purposes, in defiance of all the principles with which human nature was ever acquainted? It is one of the consequences of such an infatuation that it destroys all worldly considerations—

"Not Cæsar's empress would I deign to prove"

And, if so, would her majesty not have been willing to hide her head in any part of the continent, in the enjoyment of that luxurious profusion, in which she had been tempted, by offers from this country, to continue even with great splendour? Would she not have been most anxious to retire to Pesaro, or to the lake of Como, and there to expend upon her favourite the vast income to be appropriated to her use? Is it possible to believe, that, after the loss of all that makes life dear, and character valuable—after vice and profligacy had become her daily habits—that her majesty would have sprung to this country, irritated and stung by nothing but this detestable accusation? Look, my lords, at the conduct of her nameless and unseen prosecutor, and then at the conduct of my illustrious client. For a series of years she has been the object of unceasing persecution. The death of her only daughter was immediately followed by this frightful conspiracy. The decease of her last remaining protector, whose life, while it was prolonged, was still a protection, though his affection could no longer be displayed, succeeded not long afterwards. It was announced to her, not in the language of kind respect, or even of decent condolence; but in a shape which forestalled the decision of parliament upon this great question. Cardinal Consalvi was the instrument of stripping her of her rank, and of depriving her of those honours to which her station in society laid claim. Her title

as princess Caroline of England was stated in the face of her passport; and the first transaction of this new reign, in which even traitors were spared and felons pardoned by a lavish exertion of the royal prerogative of mercy, was the most illegal and unchristian act yet recorded in the annals of the British monarchy. To the queen it was no new reign of peace and amnesty, but the commencement of a prosecution in which malignity and falsehood were united for her destruction. Her name was excluded from the liturgy; but when it was forbidden that the prayers of the people should be offered up for her, their hearts made a full compensation for that odious exercise of unjust authority. Under such circumstances, what shall we say to the bill before the house? As a divorce bill it exists no more; the mere fact that the crime imputed was committed six years ago, dismisses it with contempt; and the fact of the letter of licence, written so recently after the marriage ceremony was performed, is of itself an answer to any claim on the part of the husband. But it is a bill of pains and penalties—a bill of degradation, dethronement, and disgrace; and, if your lordships shall determine to proceed against this persecuted and injured woman, I can only say that it is your pleasure to do so. But sure I am that your honor as peers, your justice as judges, and your feeling as men, will compel you to take part with the oppressed, instead of giving the victory to the oppressor. I was about to observe that there were certain individuals, who had not been called as witnesses—simply for this reason—that our case is already proved, and that we do not think it decent, or consistent with the principles of justice to overload the minutes already so unwieldy, by admitting that we are bound to go a single step further. We have often heard of challenges and defiances; we have been told that Bergami might be called to the bar, to state that the whole charge was a fiction; but this is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world no instance is to be found where an individual charged with adultery has been called to disprove it. Yet, for the first time, we are to be compelled to put him to his oath! The answer is in a word—there is either a case against us, or there is no case; if there is no case, there is no occasion for us to call a

when; and if there be a case, no man would believe the supposed adulterer, when he was put forward to deny the fact. On this subject the nicest casuists might perhaps dispute, with a prospect of success, on either side of the proposition; but I firmly believe that the feelings of mankind would justly triumph over the strictness of morality, and that a witness so situated would be held more excusable, to deny upon his oath to dear a confidence, than to betray the partner of his guilt. Even perjury would be thought a venial crime, compared with the exposure of the victim of his adultery.—Surely, for the sake of dragging forward such a witness, the principles of our nature and of the heart of man, are not to be repeated even upon this occasion, to which so many principles have been made the sacrifice. Recollect, my lords, that this is a criminal prosecution of the highest kind, and requiring the clearest and strongest evidence—evidence collected and manufactured during six years of unceasing vigilance and unremitting persecution. We have heard of the distinction of a queen of grace and favor, and a queen of right and law; but her majesty has been taught, by bitter experience, the wide difference between a husband of affection and guardianship, and a husband of jealousy and persecution! After all ties, divine and human, have been broken upon his part, he still thinks it possible to exact, from the alienated and injured object before you, the most scrupulous attention, not only to the substantial virtues of her sex, but to the most insignificant appearances of feminine decorum. Let me ask you, then, what is it that can justify you in passing such a bill? Without looking to the principle, (for your lordships know that I am not at liberty to do so, and I only advert to it that I may not be supposed to waive any objection,) I say that there is not one page of evidence in this whole volume to warrant you in giving it your sanction. There is not a single piece of evidence proceeding from any respectable quarter which has not been answered or explained, and the inventions of the most minute fabrications have been followed with success through many of their windings and minute ramifications. I know that rumours are abroad of the most vague, but, at the same time, of the most injurious cha-

acter; I have heard them, even at the very moment we were defending her majesty against charges, which, compared with the rumours, are clear, comprehensible, and tangible. We have heard, and heard daily, with alarm, that these are persons, and these not of the lowest condition, and not confined to individuals connected with the public press—not even excluded from your august assembly—who are industriously circulating the most odious and atrocious calumnies against her majesty. Can this fact be? and yet can we live in the world, in these times, and not know it to be a fact? We know, that if a jurymen, upon such an occasion, should be found to possess any knowledge on the subject of inquiry, we should have a right to call him to the bar as a witness. "Come forward," we might say, and let us confront you with our evidence; let us see whether an explanation can be given of the fact you assert, and a refutation effectually applied." But to any man who could even be suspected of so base a practice as whispering calumnies to judges, distilling leperous venom into the ear of jurors, the queen might well exclaim, "Come forth, thou slanderer; and let me see thy face! If thou wouldst equal the respectability even of an Italian witness, come forth and depose in open court. As thou art, thou art worse than an Italian assassin, because while I am boldly and manfully meeting my accusers, thou art planting a dagger unseen in my bosom, and converting thy poisoned stilette into the semblance of the sword of justice." I would fain say, my lords, that it is utterly impossible that this can be true; but I cannot say it, because the fact stares me in the face; I read it even in the public papers, and had I not known of its existence in the debasement of human nature, I would have held it impossible that any one, with the heart of a man, or with the honor of a peer, should so debase his heart and degrade his honor? I would charge him as a judge—I would impeach him as a judge; and, if it were possible for the blood royal of England to descend to a course so disgraceful, I should fearlessly assert, that it was far more just that such conduct should deprive him of his right to succession, than that all the facts alleged against her majesty, even if true to the last letter of the charge, should warrant your lordships in passing this bill of ob-

graduation and divorce. I well know that these are persons, to whom, under the circumstances, I think it right to allude, who have had an opportunity of reading a vast variety of depositions against the conduct of the queen. To these noble individuals I may distinctly say, "You, at all events, must vote for an acquittal. I know nothing of the facts brought before your secret committee, but I know that it is impossible for any rational or honorable man to have presented such a case as has been proved at the bar, as a ground for degrading and dethroning the majesty of England." The facts proved before that committee must have been of a more grave, more disgusting, and more infamous description, and whether they have been proved, or whether the witnesses publicly examined, have not dared to swear up to their original depositions, I am confident that the committee never meant it to go forth, that a case of key-holes and chamber-pots, but of notorious and undeniable guilt, ought to be the ground-work of this public prosecution. Then, I ask your lordships, has that case been made out? Is there any man, who can read the evidence brought against the queen without a perfect conviction that she has been most malignantly traduced? What the boatmen on the Lake of Como may have said to those who were gaping wide for slander, I know not: what reports may have been circulated by her enemies, I know not; what the result would have been, had the facts stated been established, I know not; but I do know, that they have not been proved—that they are false, calumnious and detestable. Nay, I say one word more to your lordships—I know that a supposition prevails, that a spirit has gone abroad, dangerous to the constitution and government. I have heard it said, that a spirit of mischief was actively at work among the friends of her majesty: but the same person who uttered that memorable expression, in a few weeks was obliged to admit that it was false, because the truth could not be concealed, that the whole of the generous population of England had enlisted themselves with ardour on the side of the innocent and the injured. At the same time, it is possible that both may be true; the sound and misfiding classes of society may feel acutely for the situation of her majesty; and there may be, also, some

apostles of mischief lurking in a den, meditating a blow at the constitution, and ready to avail themselves of any opportunity for open violence. If that be so, the generous sympathy to which I have alluded would be aggravated by a verdict of guilty; while those mischievous and disaffected men would deprecate nothing half so much as to see your lordships, in the face of the power of the crown, venturing to pronounce a verdict of acquittal for a defendant so prosecuted. I trust your lordships will not allow the idea of having fear imputed to you to divert you from the strait course of your duty; it would be the worst of injustice to the accused, and the worst of cowardice in yourselves. I say, therefore, if your own minds are satisfied that all that has been proved has been scattered "like dew-drops from the lion's mane," you will never hold yourselves justified in pronouncing a verdict contrary to the evidence, because your conduct may be imputed to the dread of a mob, or to use the jargon of the day, which I detest, the apprehension of a radical attack. You have but one course to pursue, and that course is strait forward—it is to acquit her majesty at once of those odious charges. We may truly say, that as there never was such a trial, so there never existed such means of accusation. Before I conclude, I must be permitted to say, that during the whole of this proceeding (though personally I have every reason to thank the house for its kindness and indulgence) the highest gratification resulting to my mind has been, that with my learned friend I have been joined upon this great occasion. We have fought the battles of morality, christianity, and civilized society, throughout the world; and, in the language of the dying warrior, I may say:

"In this glorious and well foughten field

We kept together in our chivalry."

While he was achieving the immortal victory, the illustrious triumph, and protecting innocence and truth, by the adamant shield of his prodigious eloquence, it has been my lot to discharge only a few random arrows at the defeated champions of this disgraceful cause. The house will believe me when I say, that I witnessed the display of his surprising faculties

with no other feelings than a sincere gratification that the triumph was complete: and admiration and delight, that the victory of the queen was accomplished. This is an inquiry, my lords, unprecedented in the history of the world: the down-sitting and up-rising of this illustrious lady have been sedulously and anxiously watched: she uttered no word that had not to pass through this severe ordeal. Her daily looks have been remarked, and scarcely even her thoughts escaped the unparalleled and disgraceful assiduity of her malignant enemies. It is an inquisition, also, of a most solemn kind. I know nothing in the whole race of human affairs, nothing in the whole view of eternity, which can even remotely resemble it; but the great day when the secrets of all hearts shall be disclosed!

“He who the sword of Heaven will bear
Should be as holy as severe!”

And if your lordships have been furnished with powers, which I might almost say scarcely Omniscience itself possesses, to arrive at the secrets of this female, you will think that it is your duty to imitate the justice, beneficence, and wisdom of that benignant Being, who, not in a case like this, where innocence is manifest, but when guilt was detected, and vice revealed, said, “If no accuser can come forward to condemn thee, neither do I condemn thee: go, and sin no more.”

A pause of some moments occurred after Mr. Deaman had concluded; and the Earl of Liverpool had risen to move the adjournment, when

Mr. BROUGHAM advanced to the bar, and observed, that although the summing up of the case of the queen was now closed, if the other side intended to reply by more than one counsel, he should wish to take till to-morrow morning to consider whether he would not request the house to permit Dr. Lushington also to address it.

The ATTORNEY-GENERAL answered, that it was undoubtedly his desire and intention to avail himself of the assistance of his learned friend, the Solicitor-General. This privilege had been allowed on former occasions, and particularly to the counsel for the queen, when two of them were allowed to open their case.

The LORD CHANCELLOR said, that the rule, subject to any reconsideration, was, that the house would hear two counsel on each side, and, in his opinion, either party, waving the privilege, did not deprive the other of the right to exercise it.

Mr. BROUGHAM added, that he did not intend to waive his claim, and should therefore request the assistance of his friend, Dr. Lushington, to-morrow morning. Adjourned at four o'clock.

THURSDAY, October 26.

At the meeting of the house this morning,

Dr. LUSHINGTON proceeded to address their lordships. He commenced by stating, that if he had been left to the free exercise of his own discretion on the present occasion, he should certainly decline offering any observations to their lordships, because he felt conscious that it was utterly impossible for his humble exertions to add any thing to the great and splendid address of his learned friend (Mr. Deaman) who had preceded him. He now, however, addressed their lordships by the desire of his learned coadjutors, and he felt a consolation under his conscious inability to the task, that her majesty's defence rested on a basis so solid that the observations even of an unskilful advocate could scarcely weaken it. In surveying this case, and the charges on which it was founded, some observations occurred to his mind which he would shortly lay before the house. The first was the age of the royal accused. Was ever an instance known in the annals of accusations of this kind, that the person against whom the charge was made was of the age of 50? No: he would defy any one to cite a precedent so preposterous or ridiculous. But who ever imagined a case like the present? In addition to the circumstance of the age of the accused, there was here that of a husband, who had been for twenty-four years separated from his wife; separated, not by any desire on her part, but by his own caprice, by his own act and choice—not in consequence of any misconduct of that wife, but by his pursuit of some wayward indulgence—some capricious fancy. In this way had been broken, for self-gratification, those bonds which the

laws of God and man had formed. How, then, did the case stand? Were his majesty a simple subject, was there a man in the world who would say that he was entitled to any consideration whatever in an application for divorce—that it was possible he could have an injury founded on such a complaint, for which he could claim redress? As a husband, then, the king had no right to seek redress. But then it was said that this application was not in the name of the king, and that the law in the case of a subject was not applicable to the sovereign. Yet, however, no one presume to say that he is emancipated from obedience to the laws of God; for that assertion, of whomsoever it be made, was founded in untruth and falsehood. It was also said that rank and station in the wife required a more rigid observance of duties than in the husband; but was there any duty which was not reciprocal? Was it not so with respect to matrimonial rights? And was it to be said that there was one law for women and another for men? or did superiority of rank make the engagement taken at the altar of God less binding? Was the private individual to be told that there was one divine law for him, and another for the sceptered monarch? What was the plighted troth of the husband—what the promise made at the altar? To love and to comfort. But how was that promise observed? Where was the love? where the comfort? Where should he look for the one or the other? The comfort:—what traces were there of it? If he went back to 1806, was it to be found there? or must he look for it in 1813, at that period of cruel interference, when the intercourse between the mother and the daughter was prohibited? Was it to be sought for at the period when the mother was exiled to a foreign land? No: there it did not exist; for wherever she went the spirit of persecution followed her. It was inconceivable that a wife thus deserted, thus persecuted, should now be told that she has been unmindful of her duty, whilst the husband, who was pledged to protect her, had allowed her to pass through the world without a friend to guard her honour. He regretted the discussion of these topics. He knew well that, when the acts of kings were brought before the public, there were individuals who

dwelt with triumphant satisfaction on the exposure. No man could feel the difficulty of his situation more than he did, when called upon, in the performance of a solemn duty, to dwell upon such painful considerations; but he owed it to himself and to his client to speak out boldly. There were individuals without number, always anxious to see the failings of kings, that they might turn them into derision. He would, therefore, say as little as possible upon this ungrateful subject. It was almost needless to follow it through all its bearings; but if he were in one of those courts where cases of this kind are usually decided, what should he say to the husband who, insensible of his own honour, allows his wife for a series of years, to live unprotected, and then to offer her fifty thousand pounds a year to live abroad, knowing, as he said, that she is in a course of adultery, but without giving one direction that the adulterous intercourse should cease before she enjoys the large income proffered to her? What would he say to an individual so acting towards his wife; who said to her, not in the language of pardon and admonition, which his learned friend had repeated, "Go, and sin no more,"—but "Go, and indulge your appetites, continue your adulterous intercourse, and you shall be furnished with ample means for living in splendour with your paramour!" He was happy that he was not under the necessity of introducing another topic. He was glad to state that in this case, he was not called upon by any consideration of duty towards his illustrious client, to say one word by way of recrimination; he thanked God, and the wisdom of his learned colleagues, who had so advised her majesty, that the case upon which they built their hopes of acquittal was one of perfect innocence, and that, by availing recrimination, he should save the house and the country from all its consequences. Their lordships could not, unless fully prepared to violate the laws of God and man, declare against his client. That venerable bench of bishops, who formed part of the judges, could not, without violating the holy tenets of that Gospel which they preached and inculcated, pronounce against the wife of their sovereign. The laws of God and of the country were upon her side, and he was sure

that it was not there that they would be violated.

The learned counsel then proceeded to take a luminous and comprehensive view of the whole of the evidence for and against her majesty, applying himself particularly to those topics which might have escaped Mr. Denman, and arguing, in the clearest and most conclusive manner, that the only correct inference to be drawn from the whole was the innocence of his illustrious client. He concluded by saying, that he left the honour and character of the queen in the hands of the house;—with the most perfect confidence he left her, not to the mercy, but to the justice of their lordships.

Earl GREY withdrew his motion for the production of the depositions taken before the Milau Commission.—Adjourned.

FRIDAY, October 27.

THE ATTORNEY-GENERAL'S REPLY.

After the house had been called over, counsel were called in, and at half past ten the ATTORNEY-GENERAL rose. He commenced by stating, that he feared, considering the important duty he had to discharge before their lordships, that he should have occasion to make a large demand upon their time and patience, a demand which it was the more painful for him to be compelled to make, when he considered how largely their time had been already occupied during the proceedings upon this important case, and more particularly during the three last days, which were wholly filled by the addresses of his learned friends opposite (Messrs. Denman and Dr. Lushington). He begged leave, in the first place, to call their lordships attention to one topic upon which declamation had been exhausted by her majesty's counsel—he meant the disadvantages under which her majesty's case was placed, by the refusal of their lordships to grant her a list of witnesses, or a specification of the charges against her. There was an end to these complaints when their lordships, after the case for the bill was closed, granted her majesty whatever time she thought proper, to ask for the preparation and arrangement of her defence—when his majesty's go-

vernment placed at her disposal unlimited funds, and granted to her all the facilities which they had it in their power to offer. He trusted, however, that the adjournment in this case, and the interruption between the time of the evidence for the prosecution and that for the defence, would never be drawn into a future precedent, for such a course was likely to impede the ends of justice. His learned friends opposite had said that witnesses in abundance could be had in Italy for any purpose. If that assertion were true, then they had had time enough to carry into effect any arrangements they pleased for answering the prosecution. He hoped, however, there was now an end to the complaints of her majesty's counsel, respecting any disadvantages to which they thought they were exposed. He had not the power, and if he had the power he should feel it his duty not to exercise it on the present occasion, to appeal to their lordships' passions, and to excite their feelings at the expense of their judgment. That appeal had been open for his learned friends, and they had availed themselves of it—and all that brilliant declamation, all that happy illustration, sometimes even of a moral character, could effect, had by them been called into requisition. Upon him was imposed the severer, but at the same time the more congenial task of examining the evidence as to the facts which had been alleged—upon which evidence, and upon which facts their lordships would have to decide, without any regard to the other topics which had been so unsparingly introduced in the course of this case. In the discussion of this case, he felt himself entitled to avail himself of the admissions of his learned friend on the other side. When he said he would thus avail himself, he did not mean to catch at any accidental slip which they might have made; that which they did say, however, in the outset of their address was, "That if their lordships believed the witnesses who had been brought to support this bill, and if they thought the preamble had been fairly, clearly, and satisfactorily proved, then let the bill pass." This was all he asked, and upon this principle alone did he anticipate that their lordships would concur with him in thinking that the whole of the charges against her majesty had been completely established.

He called upon their lordships on this occasion, not to look to the speeches which had been made, but to the acts which had been proved. And here he could not help observing how far short his learned friends had fallen from that triumphant case by which they had stated they would have been enabled to prove her majesty's innocence. He called upon their lordships also to observe how far the evidence which had been offered by them had contradicted the evidence which had been adduced in support of the bill. In examining this case his learned friends had had recourse to the most artful and the most judicious mode of considering the evidence which had been brought against them. They took care to cull out insulated facts; but entirely to keep from their lordships' view the general and leading features of the case. Before he proceeded further, he would call to their lordships' recollection those leading circumstances which were admitted as uncontradicted in this case. The first was, that the person, whose name had been so frequently mentioned in the course of the present proceeding, Bergami, had been taken into her majesty's suite as a menial servant at Milan, in the month of October, 1814;—that within a few short months, that man, without any reasonable cause, without any pretence whatever, except as proceeding from that licentious intercourse, which he trusted he should be enabled to satisfy their lordships, beyond all doubt, had existed between her royal highness and him, had been advanced from the menial situation which he held at Naples to that of chamberlain to her majesty. They would find further, that within a short period, and whilst he still remained as courier, he had been admitted to dine at her majesty's table; that shortly after he had been removed from that situation, he was loaded with honors and titles, which, it was in vain to say, were procured otherwise than through the means of her majesty. Their lordships would then find this person in the habit of most familiar intercourse with her majesty, living with her upon terms of the greatest intimacy, and continuing with her in that character, up to the period of her arrival on the opposite shores; and then he was not dismissed, but, on retiring from her majesty on that occasion, went to reside at a seat

which had been purchased for him near Milan. These facts had been admitted by his learned friends, and he submitted they ought never to be out of their lordships' consideration throughout the whole of this case. He entreated their lordships not to consider either the case of Naples, or of the polacre, or any other case distinctly by itself, as an insulated case, but to take all the circumstances into their serious consideration; and, viewing the one as connected with the other, to draw that conclusion, which, as a whole, the case seemed fairly to warrant. He would now proceed to examine the evidence in detail in the order of time to which it referred—an examination which, however tedious, was yet necessary to form a conclusion upon this case. Bergami having been hired as a courier at Milan, proceeded in that character to Naples, where her majesty arrived in the month of November. At Naples there was an abundance of evidence, by which the preamble of this bill has been attempted to be proved. In considering this case, his learned friends did not consider it as it stood upon the evidence, but were attempting to contrast that evidence with the opening which he had the honour of making to their lordships, as if their lordships' opinion were to be founded on the statement of counsel, rather than the facts which were in proof before them. His learned friends had had too much experience in courts of justice to believe, that either the opinion of the judge or of the jury was to be formed from such a statement,—and they know full well, that the judge, in summing up the case, invariably told the jury they were to consider the case before them, not with reference to the opening of counsel, but to the facts which had been proved. If this rule were to prevail, however, he would shew that his learned friends themselves had not ventured to prove many facts which they had opened to their lordships. He charged them with having opened evidence which they afterwards dared not to produce. In the case of Naples—what were the proofs there? Here the learned counsel recapitulated the evidence of De Mont, as to the occurrences on the night of her majesty's visit to the opera—and denied that that statement had been in any material degree contradicted. De Mont, speaking of the time at which her royal highness had re-

turned from the opera, had said it appeared to her to be early. What Sir W. Gell and Mr. Craven had proved on this subject, established no contradiction of De Mont. De Mont, however, did not swear positively that she came home early; she only spoke to her belief on the subject; and, as far as her recollection served her, she thought her royal highness came home early. Whether she returned early or late, however, it did not signify; for the fact was clearly proved, that she dismissed her attendants. Then with respect to her majesty not getting up so early the following morning, Sicard was called to contradict De Mont in this particular, but totally failed. In another part of the case, the weakness of the queen's defence was manifestly evinced. De Mont, when speaking of the comparison between the travelling bed and the large bed in the same room, swore that the next morning the travelling bed appeared to have been never laid upon, while the larger bed bore the impression of two persons. Mr. Williams had opened, as a contradiction to this statement, that he should call a servant who who went into her royal highness's room after she had retired to rest, to shut a window which was disturbed by the wind, and she was then actually reposing on this very travelling bed, which, according to De Mont, appeared the next morning not to have been slept on. Where, the learned counsel would ask, was that servant? If it were Hieronymus, why was he not called? He was now in the country. He was still in the service of the queen, but yet he was not called. Did his learned friends dread the same fatal nervous debility would attach to that servant, that so unfortunately afflicted the unhappy Flynn? or do they fear that a sudden unaccountable forgetfulness might have washed the circumstance from his recollection, if it had ever existed? Could any thing be more decisive than this was of the truth of what the abused De Mont had proved? Could any thing more strongly corroborate her statement, than Mr. Williams threatening to contradict her in this most particular point, and then abandoning his threat, not venturing to risk the cross-examination which such a witness must undergo. It has been said, that De Mont's evidence was the whole foundation on which the superstructure of this case depended—that

it was a kind of key-stone, which once cut down or removed, caused the whole case to fall in pieces. The learned counsel denied this proposition; because, striking De Mont's evidence from the Journals of the House, still sufficient remained clearly to establish the charge of adultery. It did not signify whether the adultery commenced that night or not, because there were ample proofs of a criminal intercourse existing long before Bergami had so many honours conferred upon him. The learned counsel, however, contended that De Mont was not contradicted. The next case proved by De Mont, was her meeting Bergami in the corridor one night, in his shirt, walking towards her majesty's room, and the learned counsel was much surprised at the argument of Mr. Denman on this point. He had contended, that this circumstance was rather calculated to excite a suspicion, that an adulterous intercourse had taken place between De Mont and Bergami. What were the circumstances stated by De Mont on that occasion? She had stated that, when retiring from her majesty's room, on opening the door she saw Bergami advancing from the other end of the corridor. She instantly made her escape, as she called it, and when she had escaped, she heard the lock of the door turn so as to exclude the interruption of any person. His learned friends had endeavoured, by observation and argument, to do away the effect of this evidence, but still the evidence was too decisive of an adulterous intercourse having taken place to be shaken. He would next come to the case of the masked ball. It was clear that after the queen had appeared for some time in the dress of a Neapolitan peasant, she retired to a dressing-room with Bergami, where she remained for nearly three quarters of an hour. She then appeared in the character of the Genius of History, which was agreed on all hands; and whatever Sir William Gell might think of her dress, it was certainly one not of the most delicate description. According to his notion, her dress resembled the attire of Mr. Hope's Minerva, or the statue of Curatius in the British Museum, which certainly were attired in a thin drapery, the arms being naked up to the shoulders; and although Sir William Gell merely distinguished his royal mistress as the Genius of History crowning

ing Murat's bust, which, by the aid of a flash of lightning, he asserted, that his optics were sufficiently excellent to distinguish the dress of the Neapolitan peasant under that of History's Genius! Still he admitted that her majesty was absent for a long time—that the ceremony was one occasioning much suspense, by the delay of its performance—and the learned counsel contended that the evidence of De Mont was true, when she stated that delay was occasioned by the alteration of her dress in the dressing-chamber with Bergami. Mr. Craven said, that he could hardly see the dress, so quick was the ceremony; and when Sir William Gell describes her dress as like that of the two statues alluded to, he stated that all the world well knows they were perfectly covered. The Attorney-General had not himself seen these statues, as he confessed; but from the information of others, he understood it was quite otherwise. He understood the arms up to the shoulders were completely bare, and the remainder of the body was merely covered by thin drapery. The evidence of De Mont, then, so far from being contradicted by Sir W. Gell and Mr. Craven, was in fact confirmed by their speaking to that delay in the absence of her majesty from the room, which was so fully accounted for by De Mont. The next point to which he should call their attention, was her majesty's visit to the masked ball, at the Theatre of San Carlos. He did not mean to complain of her majesty having gone to such a place in disguise, but that of which he had a right to complain was, the fact proved in evidence of her having gone there secretly, in a rainy night, not in her own carriage, but in a hired vehicle, and in company with her chambermaid, De Mont, and her courier Bergami: and he would shew that this fact, notwithstanding all that had been said by his learned friends to the contrary, had been clearly proved by Dr. Holland. Their lordships were already aware that De Mont had proved this case; she described the nature of the dress, and the manner in which her majesty had gone. Now what had Dr. Holland said on this occasion, when interrogated on the subject, at page 611? He was asked, "Whether he had ever been at the masquerade at the Theatre of San Carlos when her royal highness was there?" He answered, "I was." "With whom

did her royal highness go?—I was not aware till the following morning that her royal highness had been there?" "Did you remain there during the whole, or nearly the whole, of the performance?—Only about an hour, as far as I can recollect; certainly a short time" "Are you to be understood that you do not know with whom her royal highness went to the theatre that evening?—I do not." He (the Attorney-General) begged leave to ask, how it had appeared that her royal highness went on any other occasion to a masked ball at the theatre of San Carlos? No such proof had been given, and therefore it was clear that she had been there on the occasion stated by the witness De Mont, and that Dr. Holland was not aware of that circumstance till the following morning. If their lordships had entertained any doubt on this subject, had not Dr. Holland removed that doubt—and if the question still remained undecided, why was not Sir William Gell and Mr. Keppel Craven examined to the point? For the best of all possible reasons, because they knew nothing on the subject. Her royal highness went but upon one occasion, and then in company, not of any of the gentlemen or ladies of her suite, but with her inferior domestics, De Mont and Bergami; the latter having been in her service but three or four months! Why did she not choose for her companion Hieronymus, or Sicard, or any other of her servants, who, from long experience, was entitled to her confidence? Why select a man who, but a few days before, had been a courier, although after his arrival at Naples he had been raised to the rank of footman? Could their lordships draw any other inference, than that it was because an adulterous intercourse had commenced between her royal highness and this Bergami at Naples, and had been continued from thence till she arrived at St. Omer's. De Mont next stated, in page 255, that she had seen Bergami and her royal highness walking arm in arm upon a terrace in the garden of her royal highness at Naples. How had this been attempted to be disproved? By the most extraordinary evidence that he had ever heard of. Sir William Gell and Mr. Craven were called, and the former stated—both these gentlemen stated, that they had seen her royal highness walking with Bergami in the garden—

and one of them felt it necessary to caution her from such a practice, because "she was surrounded by spies," adding, however, that he saw nothing improper in her conduct. If there was no impropriety, where was the necessity for this caution, unless there were some suspicion lurking in his mind that the intimacy which subsisted between his royal mistress and Bergami was of a nature to excite attention? How, too, was it that Bergami so particularly attracted the attention of lord Landaff, unless for the same reason — unless something had come to his own knowledge respecting the occurrence at the theatre of San Carlos, or from the common rumours which the conduct of her royal highness had excited in the neighbourhood? The learned counsel next adverted to the evidence of Majocchi, applying to the time when Bergami was confined to his bed from the kick of a horse, and when that witness described the stolen interviews of her royal highness at that time to the room of the invalid. On this subject it had been said that there was another passage by which her royal highness might have obtained access to Bergami's room without going through the cabinet in which Majocchi was placed. But how did this stand? Was not that other passage the common corridor into which the doors of Dr. Holland, Hieronymus, and William Austin, opened; and was there not a much greater chance of her being observed there than by passing through the room of a man who had been placed in the house by Bergami himself? Whether an adulterous intercourse took place at that time or not, was immaterial to his case — because no woman of delicacy, who had not had such an intercourse with a man, would have gone and visited him in his bed, and remained shut up with him in his room for a quarter of an hour. The evidence of Majocchi in this respect was decisive, that an adulterous intercourse had taken place between her royal highness and Bergami. As to the fact of her royal highness having been in the room at the same time with Dr. Holland, it would be recollected that Dr. Holland, who had been called to contradict that fact, had not sworn positively to the contrary, simply saying, that if the circumstance had taken place, it was without his knowledge. From Naples her royal highness went to Civita Vecchia, and

from thence to Genoa: and here he would call their lordships' attention to the evidence of lady C. Lindsay, with respect to what took place on the journey from Rome to Civita Vecchia. It was said yesterday by Dr. Lushington, that all the facts of improper familiarity which had been alleged against her majesty had fallen at their feet. To this he would only reply, by referring to the testimony of lady Lindsay, as to the manner in which Bergami had ridden up to the carriage of her majesty, and received from her hands a bottle of wine, from which he drank, and afterwards returned the bottle to the carriage. If this were not proof of improper familiarity, he scarcely knew where such familiarity would be said to commence. Such, however, had been the scene described by lady Lindsay, notwithstanding her guarded recollection; and, in his estimation, such a scene could not have taken place between a courier and his royal mistress, unless sanctioned by the adulterous intercourse which had previously existed between them. The main prop and stay of this part of the evidence, in defence, is lady C. Lindsay; she is made a solitary exception — she only is called, who afterwards withdrew from her royal highness's service at the instance of her brother, in consequence of the serious rumours which were in circulation. His learned friends, Messrs. Brougham and Denman, viewed the introduction of Bergami's relatives as estimable, and had even represented it as "natural in a prudent and faithful servant." Now, he begged their lordships to remark, that this took place at Genoa, not after Bergami had distinguished himself on the occasion of the attack on the house of her royal highness (for Majocchi was the individual who most distinguished himself at that alarming moment), — (a laugh, and order, order) both previously to that burglarious invasion, and before his extolled merits had been discovered. To another fact at Genoa he must also call their recollection, which had been deposed to by two witnesses, that her royal highness's bed was seldom slept in; They had been triumphantly told on the other side, that every fact had been contradicted in the most satisfactory manner, and that they had no occasion to call more witnesses in exculpation. Now, it appeared in page 13 of the minutes, that Bergami was at

breakfast with her royal highness in the cabinet, that Majocchi and his brother, Louis Bergami, waited upon them, and (at page 13) that when Louis Bergami was absent, a man of the name of Camera waited. On this point, then, they had the power of contradicting the charge by the two individuals a luded to, both now in the service of her royal highness, and yet his learned friends, in their discretion (a discretion which he, the Attorney-General, did not doubt was well exercised) had not dared to call them.

The ATTORNEY-GENERAL was about to retire for a short time, soon after one o'clock, when

Mr. DENMAN begged their lordships not to separate, for before their separation his learned friend, Mr. Brougham, had an important application to make to their lordships.

Mr. BROUGHAM soon afterwards entered the house. Their lordships having resumed their seats, he said, he thought it was his duty not to lose one moment in making a most important communication to the house. There had just been communicated to him, and he now had, the original letters of the baron Ompteda, signed "J. Ompteda," also regularly dated, forwarded to several servants of her majesty's household, endeavouring to seduce them to give evidence against their illustrious mistress, among others to Mariette (De Mont's sister).—(Loud cries of order, counsel withdraw, &c.)

The ATTORNEY-GENERAL appealed to their lordships, whether such an application had ever been made under such circumstances. (Hear.)

The Earl of LIVERPOOL observed, that he was as much surprised as the Attorney-General, or any body else could be; and whatever might be the propriety of making the communication at some time, he thought the most proper stage had not been selected. (Hear, hear.)

Mr. BROUGHAM feared, that had he delayed one instant in making such communication, after the documents were forwarded to him, he might have been accused of acting unfairly.

Lord HOLLAND agreed with the learned counsel, that it was right to make such communication as early as possible; what had often been asserted was now offered to be proved. When such information ought to be received, or whether it ought to be received at

all, were questions for their lordships future consideration. (Hear, hear.)

Lord LIVERPOOL thought that the middle of the Attorney-General's speech was not the best time to make such a statement. (Hear, hear.)

The Marquis of LANSDOWN admitted that it was quite impossible their information could be regularly received now.

The Earl of DONOUGHMORE maintained that it was irregular to have made such a communication at such a period.

Counsel afterwards withdrew.

On the return of the Attorney-General, he proceeded to refer to the embarkation of Bergami on board the *Leviatha*. Here again, agreeable to the universal practice of her majesty, such alterations were made as placed Bergami near her person, and gave him an easy access to her chamber. This was part of that system, that hub, which prevailed throughout. He next adverted to the occurrences at Catania—occurrences which, if true, placed the adulterous intercourse beyond the possibility of a doubt. He then read the evidence of De Mont relative to the crying of the child Victorie, and to the princess's having been seen coming out of Bergami's room with the pillow under her arm. Much had been said as to the credibility of De Mont; but so much were the counsel for her majesty sensible that they had failed in shaking her testimony, that their very last witness was a milliner from Morge, who was produced to contradict mademoiselle De Mont as to certain loose declarations said to have been made years ago. Would they have done so, had they previously overthrown her testimony in so triumphant a manner as they have pretended? The letter of De Mont had been quoted to her prejudice; but, when all the circumstances under which they had been written were considered, he did not think that any reasonable man could say that they invalidated the testimony which she had subsequently given upon oath. The whole of the cross-examination to which she had been subjected, had been made a vehicle of calumnies, which not the slightest attempt had been made to establish in evidence. Why was not De Mont's sister called to contradict her? Why was not the countess Oldi produced? For the best of all possible reasons: they dare not produce them; they would have confirmed the truth of

all these material facts which rested on the evidence of Louisa De Mont. The change of portraits between her royal highness and Bergami was another fact which could not be overlooked, and which of itself spoke volumes. Again, the occurrences on board the *Clorinde*, in which captain Pechell had so properly refused to sit down at table with Bergami, were extremely important. Here such were the ties between her royal highness and her favorite, that she would not subject him even to the temporary mortification of a dismissal from her table. After leaving the *Clorinde*, her royal highness embarked on board the *polacca*. The alteration which was made in the rooms, at Tunis, had been attempted to be explained by the circumstance of a doctor having been taken on board at that place, but where was the necessity of bringing Bergami so very near to her royal highness, that from the bed in which he slept he could actually see the princess as she lay in her's? The man must wilfully shut his eyes against the light who could resist the inference to be drawn from such a fact. The counsel for her majesty had said, that at Zavoan, nothing had been proved. But the fact was not so. Here the learned gentleman read part of De Mont's evidence, in which she says that, at Zavoan, the bed of her royal highness "rather appeared as if two persons had slept in it." Mr. Hownam was called to contradict the statement of Majocchi, as to the place where her majesty dined at Ephesus. Upon being questioned as to some circumstances, which he must have remembered, he answered, "Non mi ricordo," and afforded no more contradiction to what Majocchi had said, than he gave to points of evidence upon which he had not touched. In fact, Mr. Hownam forgot every thing on this occasion which it would have been inconvenient to remember. The learned counsel next called their attention to the journey to Aum, where it was stated in evidence, that Bergami reposed under the same tent with her royal highness, when she needed not his attendance. But it was said that she had thrown herself on the bed in her clothes, and was greatly fatigued. If she was fatigued, would not a female attendant have been the proper person to wait upon her? Was there nothing improper in permitting a thing so indecent?

Would their lordships say that a woman of rank might sleep night after night under a tent with her menial servant, because, forsooth, she was not undressed. Then, he would ask, were they to presume that this defence was effectual, and was Bergami to lie by the side of his mistress day and night without any imputation upon the character of her royal highness? The learned counsel read a considerable part of the evidence with respect to the tent, and said their lordships could not hesitate as to their verdict upon coupling the evidence to which there had been no contradiction, and that to which contradiction had been attempted. If it were not admitted that evidence had been given of the adulterous intercourse, then their lordships would be sanctioning the conduct which had been represented to them. Was it to go out amongst the females of this country that they might sleep with their male servants, and be subject to no reprehension. If so, adieu to all the securities of female honor! All the bright ornaments of life must be yielded up upon the pretext that nothing criminal could have happened in the course of those familiarities which were thus authorised by the mistress, and offered by the servant. The learned counsel next called their lordships' attention to the charges of adulterous intercourse, on board the *polacca*. It had been said that the tent was erected on deck, in consequence of the noise made by, and the disagreeable smell arising from, the horses confined below, and that the awning had been loosely flying about, and could not have concealed any person from the view of those on board. How did the evidence stand? The captain and mate, whom the queen's counsel had attempted to discredit, upon the ground of their having received remuneration, when no contradiction could be offered, had sworn that the tent was fastened down, and that no person whatever could have access or opportunity of seeing what was going on within it. It would not be improper to mention here, that foreign captains were in the habit of demanding large sums as remuneration for absenting themselves from their own occupations. They were liable to great losses, and calculated with as much accuracy as possible upon the subject of inconvenience. Those persons whose testimony was unimpeachable, had declared, that even in the day-time the

tent was closed down by the order of Schiavini! Where is Schiavini? He had assisted lieutenant Flynn in drawing up that memorable paper upon which the gallant lieutenant had distinguished himself in so astonishing a manner. He was now at the house of the queen! Why had he not been produced? If he could contradict the foul and disgusting fact, that the princess was hanging over Bergami in bed, why had he not been brought forward? If the queen was anxious to produce all the evidence that could be collected, why not produce Schiavini? Because the learned counsel for the defence could not rely upon the boldness of Schiavini, although he could depend upon that of Vassuli and others who were not so delicate. There were periods in which passions of this kind got the better of all reason; and no man could believe that those two persons who were under a tent together constantly for upwards of five weeks had not had criminal intercourse. The learned counsel then alluded to the evidence of lieutenant Flynn, which, he said, was wholly unworthy of credit, and, with much ability, observed upon the want of recollection in the learned counsel, on the subject of the celebration of St. Bartholomew's day. On that occasion the ship was illuminated—the day of the cavalier was to be celebrated—cries of long live the princess.—Long live the cavalier. It was a day of delight and festivity; and although the learned counsel had expressed the anxious wish to grapple with the polacca, this point—his festival, was wholly forgotten, and the queen and Bergami were permitted to walk together, arm in arm, on the deck, in all the energy of their passions without the chance of being disturbed. The learned counsel then with great spirit alluded to the attempts to destroy the evidence of Majocchi, by threatening to bring forward other witnesses, and throwing out baits to induce him to repeat the favorite sentence, “Non mi ricordo.” Why had not Mr. Johnson of Bristol, and all those other persons who were to destroy the credibility of Majocchi been called? Because they would not come?—because they had nothing to say?—because the whole was a trick to raise the present prejudice, which was soon to fall before the power of truth? The learned gen-

tleman concluded by alluding to the evidence of Carrington, which he said, had been completely destroyed by that of Sir John Beresford, who had, he said, been called by a noble lord to give a character of the witness, contrary to all precedent.

Earl GREY defended himself from this imputation, and the house adjourned.

SATURDAY, October, 28.

THE ATTORNEY-GENERAL'S REPLY CONCLUDED.

The House having assembled, Counsel were called in.

The ATTORNEY-GENERAL, in continuation: He commenced by remarking, that in his former allusion to the evidence in this case, he had omitted to notice the fact of her Royal Highness having at Jerusalem conferred a certain order of knighthood, of her own creation, upon the person who composed her suite at Jerusalem. This circumstance had been treated by his learned friend (Mr. Brougham) with much pleasantry; he, however, considered it a subject for grave observation, and especially when it was recollected, that the favored Bergami was made the grand master of this order, and was for the first time dignified by her royal highness with the title of colonel, never having advanced beyond the rank of quarter master. This was an important fact, which more than any comment proved the familiarity which existed between this man and her royal highness the princess of Wales. The next point in succession, was the return of her royal highness to the villad'Este, and the alterations which there took place in the bed-chambers of that mansion. His learned friend Mr. Williams, had attempted to explain this by stating that this alteration took place in consequence of the rooms having smoked and with a view to obtain a more easy access to other parts of the building. This statement it was considered important by his learned friend to make, and yet he had not ventured to offer a single title of evidence in support of it. Hence he concluded that no such proof could be inferred; and that, therefore, the conclusions which he had drawn as confirmatory of the intimacy which subsisted between these two individuals was still further established. They came the occurrences during the German tour, the arrival of her majesty at Charnitz, and the subsequent return of Bergami from la-

præc, whether he had gone with Vassali for passports, stood first in order; and here he submitted, that no contradiction whatever had been given to the fact that Bergami, after his return, had remained for a considerable period in her royal highness's room. It was proved by Vassali that her majesty was in bed, and that from the time of his return till they set off on their journey, the fullest opportunity was afforded for every thing which De Mont had described to have occurred. He next adverted to the scenes at Carlsruhe, which had been proved by the evidence of Barbara Kress. This woman described the old contiguity of Bergami's room to that of the princess; and here he had to remark, that throughout the whole of this case, no attempt had been made to disprove the disposition of the rooms—consequently, he had a right to conclude, that in that respect his case remained without contradiction. It appeared from this woman's evidence, that "she saw the princess sitting upon Bergami's bed, and immediately jumped up—the arm of Bergami was round the princess, but she could not say whether she was stripped or not." How was this case attempted to be met? Why, by accounting for every minute that her royal highness was at Carlsruhe. He denied, however, that this attempt had been successful, and illustrated this remark by reference to the evidence of lieutenant Hownam, who would not undertake to say that there was not ample time for her royal highness, in the interval between her visit to the grand duke and the margravine's, to have returned to the inn, and to have been found in the situation described by Kress. The other witness called, with a view to give the same sort of explanation with lieutenant Hownam, was Vassali, whose evidence he would read, [here the learned attorney read the evidence of Vassali]. From this he concluded that it was not alone possible, but probable, that the circumstance, described by Kress, had taken place. Unless the evidence of Kress were shaken, therefore, the fact sworn to by her was clearly established. There was another important fact sworn to by this woman, and that was the fact of her having found a cloak upon Bergami's bed, one similar to which she afterwards saw worn by the princess. This cloak Kress stated she had given to a ser-

vant of her royal highness. This, then was a fact which might have been contradicted. Had her royal highness such a cloak? They had not dared to prove that she had not; and if she had, how was this fact to be accounted for? Was it not demonstrative of the existence of the adulterous intercourse which had been charged in the preamble of this bill. In the cross-examination of Kress, attempts had been made to throw reflections on the character of Kress; but not a single proof had been adduced from whence to conclude that those attempts had the slightest foundation. Out of doors, and through the medium of the press, she had been vilified, traduced, and exposed to every obloquy; but at their lordships' bar she remained free from all imputations. Under such circumstances, and if their lordships believed her testimony, to what other conclusion could they come, than that the existence of a criminal intercourse between these parties had been established beyond the possibility of a doubt? How did his learned friends attempt to get rid of Barbara Kress's evidence? Why, by introducing the correspondence between Mr. Lemon and the baron D'Ende. If the latter person was formerly so anxious to give evidence on the part of her majesty, why did he hesitate in coming over, when all obstacles to quitting his own country had been removed? It was said, that he did not come in consequence of any real illness, but because he was desirous of gratifying the wishes of some other persons by his absence. He (the Attorney-General) strongly suspected, that his learned friends did not wish the baron to come, because they knew he could depose to nothing in the queen's favour, and therefore made the most of his declining at length to travel to England. Another topic urged in the defence, was the non-production of the person named Grimm, to confirm Kress, and who, as well as that woman, had been subjected to the most unjust aspersions. It appeared from Kress's evidence, that in fact Grimm could not have confirmed her, as to the most material part of her statement, and therefore there could have been no useful purpose answered in bringing him over. He dismissed then the evidence of Kress, with this observation, that her character was unimpeachable, her evi-

dence was incapable of being contradicted, and that it was open to contradiction if it were not true. At Turin a strong fact was deposed to by a witness named Veralo, whose character was not attacked, and whose evidence remained untouched in the course of the defence. He deposed to seeing Bergami coming out of the queen's bed-room in a state of undress, with nothing but his morning-gown on. There was a witness who might have been called to contradict him, but who was not called, and that was the Dandone, to whom he was carrying some articles of dress for the queen at the time. Here then was a fact which went to the root of the case, and destroyed the remaining spark of life which existed in her majesty's defence. With respect to what occurred at Trieste, his learned friends had with great adroitness, but with unpardonable irregularity, introduced a newspaper to show that her majesty visited, and was visited, by certain persons of rank, knowing that such evidence could not properly be received. This proved to what shifts her majesty's counsel were driven to uphold their shattered case. If the matter contained in that page could avail her majesty, why were not persons brought from Trieste to give oral evidence on her behalf? The truth was, no such persons could be found; and if they were, it was an impeachment of Mr. Vizard's professional activity, that he did not bring them; but no one could accuse that gentleman of a want of zeal for his royal client. The testimony of Cuchi was also as open to the observation as that of Kress; it remained uncontradicted, though capable of contradiction if not true. A severe attack had been made upon the evidence of Sacchi, but when the evidence of those persons, who were called to contradict him, came to be carefully examined, it would be found, that his testimony was in no degree shaken, because it would appear that those very persons had contradicted themselves, had shown that they could not agree with each other upon the relation of facts and circumstances, about which there could be no doubt, if they were speaking the truth. The Attorney-General then proceeded to examine in detail the evidence of Vassali, lieutenant Hownam, Oliviera, and Carlo Furti, and pointed out palpable disagree-

ments between their evidence upon the facts to which they deposed; on the other hand, he dwelt with considerable force upon the facts deposed to in the evidence of Sacchi, contending that he was the witness of truth, and had been in no material degree shaken in his evidence. He (the Attorney-General) confessed that he was a little surprised at the sarcasm thrown out by his learned friend, Mr. Brougham, in commenting upon the evidence of Sacchi, by representing that that person was a soldier in the army of Bonaparte; and from that situation had been promoted to her majesty's service, thereby suggesting an invidious comparison between him and the witnesses called in defence. It sometimes happened that persons, who dealt in general observations of this kind, undesignedly exposed themselves to the like remarks. Such was the case in the present instance. The Princess of Wales could not but be aware that she was united to the heir-apparent of a monarchy which had made the most gigantic efforts to repress that ambition which threatened with destruction her native country, and also that with which she was connected by marriage. He could not suppose that her royal highness the Princess of Wales could have such a prejudice against Sacchi, on account of his services in the French army, when it was recollected that she took into her favour Bergami, a soldier of fortune in the same army. Vassali and Oliviera, persons of the same description. Her royal highness could find no fault in these persons on that account. His learned friend must take a strange view of his royal client's conduct, if he felt it became a British princess to celebrate at a masked ball given to the King of Italy, the achievements of a man whose ambition had caused the destruction of some of her nearest relatives, and to repress whose aggressions the blood and treasure of that country, to which she was united by interest and feeling, had been spent in profusion. The sarcasm of his learned friend, therefore, was very ill timed, and he must have forgotten the character and description of witnesses by whom Sacchi was opposed. The next circumstance triumphantly relied upon, was the absence of Rastelli, at the time when he was called by his learned friends. Oh! fortunate circumstance for the queen, when lieutenant Flynn

was blown to atoms, and when lieutenant Hownam had admitted the whole case against her majesty. The confusion and dismay of his learned friends was evident upon the examination of these two witnesses, and when they found the case tottering under them—when they dared not call another witness to grapple with the facts proved, then in the moment of difficulty they attempted to divert the attention of the house by fastening upon the circumstance of Rastelli's absence, and make the most of it. This was a most fortunate hit in the case for her majesty; but he believed, in his conscience, that had Rastelli been present, his learned friends would not have examined him. An attempt had been made to contradict Rastelli, as to the groto scene, by calling Pomi and another witness, but neither of them had succeeded in the object for which they had been called. On the contrary they had completely failed, and the circumstance of their not having produced plans of the building, showed that they merely relied upon their memory, which appeared to be frail and uncertain. The learned Attorney-General then adverted to the Milan Commission, and contended that it could not have been composed of more able, respectable, and efficient men. As to the circumstance of Mr. Powell being employed to assist in the preparation of the evidence, it was his duty, and he did no more than Mr. Vizard in the collection of evidence on behalf of her majesty. He then successively examined the testimony of the other witnesses in detail, and contended that the bathing scene in the river Brezzia remained uncontradicted—that the profligacy of the balls at the Barona, and the indecent dance of Mahomet, were still uncontradicted. The learned gentleman proceeded in the same style of argument to recapitulate the remainder of the evidence in support of the bill, and contrasting it as he went on with the testimony of the witnesses adduced to contradict those for the bill, and contending that nothing had come out from the testimony of those witnesses to invalidate the charges he had laid before the house; and recapitulating the names of all his witnesses, *seriatim*, contended, that he had fully sustained the main points which he had stated on opening the case, in proving, he trusted, to the satisfaction of their lordships, the gross,

immoral, and criminal intercourse which had subsisted between her majesty and Bergami. Having, therefore, to the best of his ability, discharged the painful duties imposed on him, and which he had most reluctantly undertaken, he now begged leave to take a short view of the manner in which the proceedings were conducted on the other side, as well as of the nature of the evidence adduced in support of her majesty's case. Her majesty's counsel had been constantly in the habit of treating the evidence opposed to them with the grossest invectives, and imputing the most base, corrupt, and criminal motives to all who were concerned in conducting this most extraordinary case, and how were the charges of the gross familiarities between her majesty and Bergami, as well as the shameful indelicacy of the queen's own conduct, vindicated by those witnesses in general; amongst others lord Llandaff was called to prove that he had often paid morning visits to the princess's bed-room, while her royal highness was in bed, and that the custom was frequent in Italy. But, was it because his lordship, or other persons of rank, who were there in the habit of visiting their intimates and the members of their family while in their bed-chambers in the morning, that it was therefore delicate that male servants, such as Bergami, were to be permitted in her majesty's bed-room, while her maid was attending her. When Sir Wm. Gell was adduced to prove that, during his three months' residence in her royal highness's family, he never saw the least improper freedom from her towards Bergami. But it afterwards came out incidentally from the evidence of Carrington, the servant of Sir William, that he was not a constant resident in the family—never slept a night in the house—was only an accidental guest at dinner—and actually resided nearly two miles from the house, and at the end of three months he quitted her royal highness's suite. Doctor Holland, in like manner, was adduced for the like proof. But it appeared her royal highness dismissed him under pretence of permitting him to go on a tour for his own purposes. That he never returned to the house but merely for the purpose of receiving his stipend; and never since joined her royal highness's household. So, in like manner, her old and faithful

servant Sicard, was dismissed her service, though with his full salary, on leave to come to England, that he might not be a witness of her conduct. How then could he be a witness of what took place in his absence. But her majesty's counsel although they promised to bring the most unquestionable witnesses to contradict those for the prosecution, had totally omitted to call any of the witnesses who were most competent, from having been always about her majesty's person, to disprove the charges, if they were unfounded. The only one of them, and indeed, the only female witness adduced, was lady Charlotte Lindsay. But where was M. De Mont? Where was L. Bergami, or the Countess Oldi, or her mother? The members of that illustrious family could not be exceptionable in her majesty's view, and were competent witnesses, but they were not called. Where was William Austin? He surely was a competent witness? Where was Hieronymus, or any of the many others who were always about her, and accompanied her in all her fetes, and all her journeys? Not one of these were produced, and the omission to call them spoke more strongly to the guilt of her majesty than almost all that had been proved against her. As to the testimony of lieutenant Flynn, it was hardly necessary for him to comment upon it; and the decided and unquestionable testimony of captain Briggs, shewed what sort of reliance was to have been placed on lieutenant Hownam, by decidedly contradicting what he asserted upon his oath. But why was not Bergami himself, her majesty's chamberlain, and he believed not yet dismissed her service, brought forward as a witness? Surely, if the queen was innocent, he was the most competent of all witnesses to prove the case.

Mr. SOLICITOR-GENERAL then addressed their lordships. He began by entreating his hopes for their indulgence, under the state of exhaustion to which he was reduced by his attendance to his duties in this long and arduous trial; and more especially under the disadvantages of rising to address them upon a topic so much exhausted, and after the able and elaborate speech of his learned friend. Indeed, perhaps, he would do better by remaining silent upon the subject; and, if he consulted the dictates of his own feelings, he

should not offer one word upon it. But he would do his duty to the best of his powers, however painful the task. The elevation of Bergami's family, was, he contended, utterly unaccountable upon any other grounds than those which were imputed to her majesty. When before were twelve or thirteen of the same family elevated in such a manner? The first of them from the station of courier to that of a Knight of Malta, a Sicilian Baron, and Grand Master of the Order of the Holy Sepulchre;—a colonel, too, was this same Bergami designated. The learned gentleman then referred to the evidence of Sir William Gell, of Mr. Keppell Craven, the Earl of Guildford, and Mr. Sicard, to explain what were the manners of Bergami, because, forsooth, it was on account of his manners, so superior to his station, that he was so rapidly and inconceivably promoted. From the testimony which he recapitulated, it was clear that there was nothing in the manners of Bergami to entitle him to all this favour from his royal mistress. It was said, indeed, that there was a promise to the marquis Ghisliere, who recommended him, that when the princess stopped on her journey, Bergami should, if he behaved properly, be kept on the service out of livery. So that in fact, it was fully proved, that Bergami was only taken into the service as a courier, and the only promise made was, that if he behaved well, he might be retained out of livery. It was also singular that when almost the whole of Bergami's family were the objects of her royal highness's patronage, there should yet be one remarkable exception, namely, that of his wife, who never, from the beginning to the end, was permitted to come where her husband was.

The learned counsel then proceeded, with great ingenuity, to advert to all the circumstances connected with the scenes on board the palacca, and under the tent at Aum, all of which he forcibly contended could only have arisen from the insatiable passion of her royal highness towards the object of her favour. It was impossible for any man, not wilfully shutting his eyes to conviction, to come to any other conclusion. He next referred to the occurrences at San Carlos, at Genoa, at Milan, at Venice, at Bologna, Lugano, and the Devil's Bridge; in all which places he contended the same decided

evidence was given of her royal highness's criminal attachment to Bergami.

At four o'clock the learned counsel intimated that he should, in the discharge of his duty, still have to trespass further on their lordships' time.

The Earl of LIVERPOOL proposed an adjournment to Monday.

Earl GREY said, he had no objection to this adjournment, provided it might be understood that the subsequent adjournment did not extend beyond the following Thursday.

After some observations from the LORD CHANCELLOR, this was agreed to.

Adjourned to Monday.

MONDAY, October 30.

The SOLICITOR-GENERAL having proceeded to comment with great ingenuity on all the facts to which the Attorney General had not particularly adverted, and having dwelt with much force on those points to which his learned friend's observations had not been directed, concluded by saying, that it was for their lordships to declare, after having heard the whole evidence of the case, whether the charge was not substantially made out against her majesty. Never came a cause into a court of justice attended by so much severe anxiety at its entrance and during its progress to a final result. Every passion had been successively applied to by his learned friends in conducting the defence of her majesty. They had, indeed, well and faithfully discharged their arduous duty to their illustrious client. Of their mode of conducting the defence he made no complaint; he rather rejoiced that such great talents had been exercised in behalf of a queen of England, called upon to meet such a charge. His learned friends had, indeed, endeavoured to awaken all the sympathies and passions of their lordships for their client; they had even in her cause appealed to the basest of all passions,—fear; they had done so too to the peers of a country renowned for its fame and valour. Their lordships had been told that they would commit an act of political suicide, if they passed this bill; they were again told by one of his learned friends, that they would pass it at their peril: these words hung long enough upon his learned friend's lips to be understood, though they were immediately afterwards withdrawn. He was asto-

nished at the introduction of such topics, for they could only have an injurious effect upon those from whom they proceeded. He (the Solicitor-General) knew well that their lordships would not dare to be unjust; at the same time he knew that what justice required they would be prepared to do, without reference to any consequences. It was not here alone that these artifices were resorted to; the same course of intimidation had been pursued out of doors, and attempts of every description were repeatedly resorted to for the purpose of exciting apprehension. Even the name of her majesty had been profaned (undoubtedly without her consent) for these purposes; her name had been used in attacks against all that was sacred and venerable in the constitution, the sovereignty, the hierarchy, against all the orders in the state. These attacks could never have proceeded from her majesty, though made under her sacred name; they sprung from those who sheltered themselves and their dark and mischievous designs against the state under the shield of her majesty's name. If their lordships thought the guilt of the queen clearly established by legal evidence, then they had but one duty, and that was to pass the bill. If they did not think the case made out by legal evidence, then and then alone could they, in the fine language quoted by his learned friend (Mr. Denman), say to her Majesty, "Go thy ways, and sin no more." If, however, they were satisfied by bending their minds to the whole of the evidence, looking at it with just and dispassionate feelings—if they saw no real doubt in the case, then, knowing the upright judgment of the tribunal which he had the honour of addressing, he was sure they would pronounce their decision with that firmness which became their exalted station and upright and dignified character. The Solicitor-General terminated his speech at a quarter before two o'clock.

BARON OMPTEDA.

Mr. BROUGHAM then requested permission to address their lordships. He said he was quite aware that he had no right to be now heard, but he threw himself upon the house for permission to explain the misstatements, he knew the accidental misstatements, of his learned friend who had just sat down. He was most anxious to inform the

house, in explanation of the interposition he had made during the pause in the Attorney-General's speech, by the introduction of the baron Ompteda's letters. He felt it his solemn duty to entreat their lordships' to have these letters explained: he on the former occasion took the earliest opportunity of tendering them to their lordships, on behalf of her majesty. It appeared to him that they were admissible in two points of view. In the first place, in an ordinary trial, he was convinced no judge would exclude material and important testimony accidentally coming before the final judgment, open of course to the ordeal of cross-examination, and of being rebutted, if possible, by other evidence. If this would be permitted in a tribunal, purely judicial, it surely would not be excluded when a legislative proceeding was pending like the present. He hoped he might be permitted to say that he thought this evidence was very material in two points of view. In the first place, it most distinctly and unequivocally brought home, acts of agency to Francis baron Ompteda, by whom these letters were signed. It explained away the whole effect of his learned friend the Attorney-General's observation, that of the name of "baron Ompteda they had heard so much and seen so little." These letters would entirely deceive his learned friend upon that point. It was singular, but so the fact was, that he should have got these letters almost at the instant when his learned friend was in the act of commenting upon the want of such testimony. These letters fixed an agency for the prosecution upon the baron Ompteda, and showed him to be perhaps the least scrupulous of all the agents employed, in a case in which so few scruples were observable—an agent, who was most actively and anxiously engaged in endeavouring, by the most discreditable means, to twist something like evidence out of her majesty's servants. These letters showed Ompteda endeavouring to employ a police-agent, with the countenance of that agent's government, to seduce two of her majesty's servants to give evidence against her. Through that police-agent Ompteda carried on a correspondence between De Mont and her sister, Mariette Bron. In this correspondence the anxiety of De Mont was apparent, that her sister should be re-

tained in the princess's establishment, for what purpose their lordships might easily guess. It appeared from these documents, that De Mont, through the means he had already stated, kept up a correspondence with her sister: she carried it on at the very time when she was in the hands of the Milan commissioners. She carried it on through the means of this baron, who was the Hanoverian minister, the agent of count Munster, and the principal person in that system of foreign diplomacy, to the machinations of which their lordships owed the task of sifting this unhappy question. It would appear from Ompteda's letters, that it was not only Mariette Bron whose assistance he required, but also Hieronymus, of whom it seemed he had ventured to form hopes, for he thought he might be safely trusted. Col. Ollivieri he also wanted; he says, in one of his letters, "Can't you get at him." He afterwards writes—"I fear she has recently got a great number of Roman persons into her service; I should be very curious to know their names"—for what purpose he need not remind their lordships, when they looked at this baron's whole conduct. And all this was done with a rouleau of Louis in his hand to carry on the traffic. These letters would furnish the answer to his learned friend's questions of—"Where was Hieronymus? Where was Mariette?" It was acts like these of the baron that involved the English ministers in a case, to the early proceedings in which he believed they were alien. The case was forced upon them by the conduct of this Hanoverian agent, and it was most material that the letters he now held in his hand should be read by their lordships. Their contents—

THE ATTORNEY-GENERAL: My lords, I object to the course which my learned friend is taking. It is highly irregular, after the case is closed, to proceed this way in reply.

THE LORD CHANCELLOR: What is it you say, Mr. Attorney-General?

THE ATTORNEY-GENERAL said he was complaining of the course about to be taken by his learned friend; but he now found that Mr. Brougham had finished. In reply to his application he must now say that it was the most extraordinary he had ever witnessed. If he had the talents and learning of his learned friend arrayed as the odd,

and that he (the Attorney-General) on the other, had ventured to make such an application, then indeed his learned friend might exclaim—"Is this a court of justice in which such an application is made?" His learned friend knew the inadmissibility of his application, and therefore ought not to have alluded as he had done to the contents of a supposed correspondence, which he knew could not be received in evidence.

Mr. BROUGHAM, in reply, urged the necessity, with a view to form a just estimate of the manner in which this case had been got up, and to the attainment of substantial justice, of these letters being received.

After some further arguments on the part of the Attorney-General, and replies by Mr. Brougham.

The LORD CHANCELLOR expressed his opinion that the letters in question could not be received.

The Earl of CARNARVON was of opinion that the papers offered by counsel ought to be received. He conceived that the question ought not to be, whether they had any bearing on the facts which appeared in evidence, but whether they bore on the character of the whole proceeding.

The LORD CHANCELLOR now put the question, whether their lordships would receive the papers offered, and it was carried in the negative.

The Earl of LIVERPOOL (we believe) rose, and was moving that their lordships should adjourn, when

The Duke of HAMILTON rose. He began by expressing his regret that his noble friend (Lord Carnarvon) had not concluded with a motion that the papers offered by counsel should be received. If there was any point connected with the present unfortunate proceedings upon which their lordships ought to require full information before they went further, he contended, that it was on the conduct of the Milan commission, and some transactions to which that gave rise. If the noble lord at the head of the treasury (Lord Liverpool) was earnest in his search for truth, if he wished to see strict justice done to all parties, he ought, in his (the duke of Hamilton's) opinion, to endeavour to divest himself and the government with which he acted, of any participation in Hanoverian whispers. He confessed that, when he saw what share had been taken in this

affair by the Hanoverian minister, he did suppose that there would not exist a wish but to examine farther into it. In order to substantial justice, he thought those papers ought to be received, and with that view he should conclude by moving that the papers offered by counsel should be admitted; and, as he considered it was of importance, for the sake of justice, he should take the sense of the house upon it.

Earl GREY had already delivered his opinion on the present measure, which he considered could never be justified. He however, thought it would be unwise at this stage of the proceeding to depart from rules which had hitherto been strictly observed, and in that feeling he concurred with the noble and learned lord on the woolsack, that these letters ought not to be received.

The Earl of CARNARVON spoke in favor of the motion.

Earl GROSVENOR opposed it, on similar grounds with Earl Grey.

Lord HOLLAND suggested, that if this evidence was to be received, it would then be incumbent on them to go further into the new inquiry which would by that means be opened. For his own part, he felt himself quite exhausted by the length to which the main investigation had already extended. His reason, however, for the vote that he should give on this question, was—and it would afford him great satisfaction to find that others were equally influenced by the same reason—that he was determined to vote against the bill itself, on principles which had often been maintained in that house on former occasions (hear, hear). He did think also, that no man could give an honest vote the other way, without first sifting and examining every part of the subject, and acquainting himself with the real means by which this prosecution had been set on foot. He himself, indeed, felt no desire for such an investigation; he wanted not, after so long an inquiry into the conduct of the queen, to be led into an inquiry as to the proceedings of Hanoverian ministers. Those, however, who proposed to say 'Content' to the second reading of a bill like this, were bound to assure themselves that it had been brought forward by just, legitimate, and constitutional means.

The Marquis of LANSDOWN agreed that the evidence in question was not

admissible, in consequence of the rule which they had themselves previously laid down.

The house then divided:—Contests, 16—Non-contests, 145—Majority against the motion, 129.

The house immediately adjourned till Thursday morning.

THE LETTERS OF BARON D'OMPTEDA.

Rome, Feb. 24, 1819.

"Sir,—convinced of your amiable complaisance, of which you have already given decisive proofs, I venture to ask a favor of you. It is my wish that the enclosed letter, written by the late Swiss femme de chambre, madame De Mont to her relative who is still in the service of the princess (and who, according to the address is called Mariette Bron, although I believe that she is also called De Mont), may be delivered according to the direction which I have received, that is to say into the hands of Bron herself, without the knowledge of the princess and of her confidants, who intercept all letters addressed to persons of her suite. You will doubtless find means of conveying the letter to the girl without her knowing that the authorities of Pesaro have had any thing to do with it, and also without her learning that it had passed through my hands; and it would be well, perhaps, to lead her to suppose that the letter was sent from Bologna. The person who delivers it to her should offer to take charge of her answer, which you would be good enough to transmit to me, and which I shall forward according to its address. What is doing with you? I make no doubt of the bustle and trouble which the length of the princess's fatiguing visit occasions. Use your endeavours, therefore, to make her embark, and try to persuade her that it is absolutly false that the English gentlemen propose to come and find her at Pesaro. I learn that that supposition induces her to delay her departure, and I think that in this manner she might wait a long time. Be assured, Sir, how alive I am to all your proceedings, and believe me, with sentiments of the most perfect esteem,

Your very humble

and obedient servant.

D'OMPTEDA, Minister of Hanover."

"P. S. Is Hieronymus, the maître d'hôtel, still with the princess? and

do you think that he still is attached to her?

"To Monsieur la Chevalier Bischi, Director-General of the Police at Pesaro."

Rome, March 6, 1819.

"Sir,—I have received with much gratitude your lines of the 28th, and regret extremely the embarrassment and the trouble imposed upon you by the favor which I requested of you. I hasten, in consequence, to tell you that I decide for the measure which you propose in entrusting the letter to a person of your acquaintance, who would hand it to madame B., without enjoining any other secrecy than that the delivery of it may not be seen by the family of the baron. If Hieronymus were to see it, I do not think that there would be much danger. The essential point is, that the girl should be informed of the contents. If afterwards, by any folly or treachery, it should come to the knowledge of the princess, the misfortune would not be great. We must endeavour, however, as much as possible, to avoid such an inconvenience. I desire only that the person whom you may choose to execute the commission should have sufficient address, and inspire sufficient confidence, to enable him to deliver the answer which madame D. will return to the letter in question, and in respect to which I am anxious that it should pass through my hands. It appears to me that the attempt of the English at Milan rests on a very false conjecture. Have the goodness to tell me your opinion of it, as well as of the dispositions of N. Olivieri towards the princess, whose service he quits. What opinion is to be formed of Vassali? I learn, likewise, that several new Roman servants have been received, whose names I should be curious to know. Excuse all the trouble to which I put you; not being able to testify to you sufficiently how grateful I am for all the proofs of your zeal, and for the kindness of the person who has procured me to interesting an acquaintance. With sentiments of the most perfect esteem, I have the honor to be, Sir, your very humble and obedient servant,

D'OMPTEDA.

"Addressed to Monsieur la Chevalier Bischi, Director-General of the Police of Pesaro."

THURSDAY, November 2.

This morning, at ten o'clock precisely, the Lord Chancellor took his seat on the woolsack, and prayers were immediately after read. The peers were then called over.

SECOND READING OF THE BILL OF PAINS AND PENALTIES.

The LORD CHANCELLOR now rose from the woolsack, and walking down the opposition side of the house, took a station at the table, almost immediately before Lord Grey and Lord Holland. He addressed the house as follows:—

My lords,—The question which we are now called upon to decide, notwithstanding all that has passed in the course of the proceeding, the only question on which you are now to judge, is, whether this bill shall, or shall not, be read a second time. Suggestions have been made as to alterations in it, which would make it of a different nature; but I do confess, that, considering the practice of the house, founded as it is upon sound principles, there is no other question to the decision of which you can now address yourselves, except the question, "Shall or shall not this bill be read a second time?" My lords, the ordinary course of proceeding on bills which may, in some respects, be likened to this (I mean Divorce Bills), is, that you hear the proofs of the allegations contained in the bill, you hear the other side, and then the individual who has the honour to sit on the woolsack, retires from the table to the woolsack. If he be of opinion that the facts alleged are true, he intimates his opinion; if any noble lord is of a different opinion, he declares it; and the question is discussed and decided by a division if necessary. But if there is no noble lord of a different opinion, then, as a matter of course, the bill is read a second time. Upon looking into the precedents, I apprehend that your lordships may be assured, without my stating any doubt upon the subject, that the preamble of the bill is usually postponed; and before the question is put, it is quite competent for it to be altered, and you will find instances where the preamble has been amended; and you may also amend and alter the enactments, if it is deemed expedient. But I should conceive the character of the principle on which that proceeds is, that you

cannot alter the preamble of a bill, or its enactments, except for the purpose of mitigating the effects of the enactments at first contained in the bill. In addressing you now, my lords, and I am sure I speak with a sincerity that distresses me extremely, nothing in the world would induce me to trouble you, if I did not feel that in the situation in which I stand, I should be shrinking from a public duty if I were to attempt to retire from so doing. There are many considerations—many indeed, which would have induced me, I am sure, not only to withdraw, but not even to come near this discussion, if I did not feel impelled by a sense of duty, which I trust in God is a right one, to discharge it, and therefore I will. I take the liberty also of saying, that I think no man can vote for a second reading of this bill, if he does not think the substantial parts of this preamble are proved. I state it as my humble opinion—as the opinion, however, which must govern me, that unless I am satisfied an adulterous intercourse has taken place, I cannot vote for the second reading of this bill. I say further, I do not think any noble lord can vote for the second reading of the bill, if he is not satisfied. Having so stated, I shall now refer to the evidence. I shall not go much into detail of it, because there is no duty imposed on me to what is called, "sum up the evidence;" but my duty is to state my opinion, and in that statement to refer to those parts of the evidence on which that opinion is founded. We are judges, we are jurors; and in the discussion we are about to enter upon, it will not proceed upon a summing-up of the evidence; but upon the ground and principle of declaring to each other our opinions; and discussing the grounds on which those opinions are founded. Now, my lords, in the first place, much has been stated in the course of this proceeding, on the subject of Bills of Pains and Penalties. I do not mean to enter into the discussions which have taken place, as to the nature of those bills, in the few words I shall take the liberty of offering. It has been repeatedly urged in the course of these discussions, that Bills of Pains and Penalties cannot be justified unless called for by some great necessity of the country. Now, my lords, I can say, that on looking back, and looking no further back than the period of the

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Revolution, that Bills of Pains and Penalties have passed over and over again, when they were not justified by any such necessity. There may be great occasion for passing them where the necessity described has not existed; and a great many cases of this description have occurred. But, my lords, in a former discussion upon the subject of Bills of Pains and Penalties, it was very properly argued—when the nature of this proceeding was under consideration—whether it was not a proceeding more favorable than any other which could have been adopted. I am not now entering into the question whether it is more or less constitutional, but whether it is more favorable to the party accused than a proceeding by impeachment. My lords, I say that, if properly proceeded in—by which I mean, if the inquiry shall be carried on by the application of the ordinary rules of evidence—if it shall be conducted by the ordinary rules and principles of law, it is by far the more unobjectionable, as well as the more favorable course to pursue. My lords, if impeachment were the mode adapted by proceeding in the House of Commons, one vote of that house would decide whether it was to be impeachment or not, and that vote would also decide the question. Now, my lords, in a Bill of Pains and Penalties, in the first place, the charges contained in the bill would be examined by both houses, and both houses would have an opportunity of hearing both sides and both parties. Opportunities would also be afforded to scrutinize the evidence, and to judge how far it was consistent with truth. But, my lords, it has been stated, with very considerable weight, that we are submitting the judgment of this house to the judgment of the Commons. My lords, I will ask whether the same observation may not be made with regard to divorce bills? I do not state now whether this will be a divorce bill or not—that must be a subject for after consideration; but I still ask whether, precisely the same objection may not be taken to divorce bills, and other bills, which go down from this house to the House of Commons, and whether we may not be involved in the same sort of contradiction with the House of Commons, when they come to examine the questions with reference to the points upon which those bills may be founded?

My lords, passing on, however, another complaint has been made, that in the progress of this proceeding, the defendant has not been furnished with a specification of the charges, and with a list of the witnesses by which those charges were to be supported. I mention this because it has been urged, that, in consequence of this omission, the party or person accused has been placed in a situation of difficulty. Now, my lords, I say, when it shall appear that any such difficulty shall have existed, it is your duty to give to the party accused the benefit of that fact, and proportionably to incline in her favour (hear, hear, hear). But, at the same time, we ought not to raise a difficulty where none really exists. My lords, I ask, in what way possible could these charges have been so usefully communicated as in the course of the inquiry, or in what way could the list of the witnesses have been communicated so effectually as by producing those witnesses at your lordships' bar—and then postponing the defence, which the party accused was, called upon to make, to that period to which that party might choose to postpone it? I am prepared to admit that the immediate cross-examination of a witness may be desirable—and with regard to Rastelli, I have already expressed my opinion. But then, I say, that the loss of immediate cross-examination is greatly compensated by the advantage of the defendant hearing the whole of the charges against her, and then choosing the period when she shall be disposed to answer it. My lords, in this case it seems to me, that you are bound to attend to the great principles of British justice—principles which are inseparably connected with every part of our Constitution.—You are in this, as in every other case, to consider the accused as innocent, until proved to be guilty. It is your lordships' bounden duty also to pronounce the party innocent, unless you are perfectly satisfied that she has been proved guilty. My lords, you are likewise, in looking to the nature of the evidence, to consider the difficulties which belong to this case. My lords, you will recollect, that it has been urged that there has been, or may have been, and taken for granted that there has, much more facility with respect to those who produced the witnesses in support of this bill, than there has been on the part of

those whose duty it was to produce the witnesses in answer to the bill. If, my lords, you think that this circumstance has existed, in that case the accused ought to have the benefit of it. (Hear, hear.) My lords, you have likewise again to look at the charges which have been brought against the witness Rastelli. These charges may have been founded in mistake, or he may have used his influence to induce particular persons to give testimony at your lordships' bar. If your lordships think the charges well founded, that is a circumstance also of which the accused is entitled to the benefit; and so with every other circumstance which shall excite a reasonable and just suspicion in your lordships' minds as to the evidence which has been brought forward in support of this bill, (hear, hear). But my lords, the rule by which I have formed my opinion is this: laying aside all the testimony in this case which can be suspected, I have addressed to myself this question, "Does the unsuspected evidence produced on the part of those who have supported this bill, and the testimony which has been given in answer to this bill (and laying aside all doubtful evidence which has been submitted on both sides entirely out of my consideration, I ask myself) does the evidence which stands unsuspected in support of the bill, and uncontradicted by that called in the defence, taken altogether, sustain the allegation of an adulterous intercourse, or does it not?" It is upon the view of the case, which I have taken in this way, that I shall deliver the opinion, which, after the most painful attention, I have been induced to form. (Hear, hear). I apprehend, my lords, at least, so it seems to me, that if you look to one or two of the cases or circumstances which have been proved—if you look to the circumstances which have been proved by witnesses beyond suspicion, and to whom suspicion has not attached during the whole of this case—I say, my lords, if you look at the case in this point of view, that it does appear to me, and I am sorry to say it, that you cannot draw from this evidence any other conclusion than that there has been an adulterous intercourse. With respect to contradictions, and the contradictions which it may be said have been given to the evidence, it has been my duty very frequently to consider the

effect which contradictions may have in summing up the judgment, if I may use the expression, in cases which have come under my observation. It may often happen, in the course of a trial, that circumstances are proved which may have no effect upon the real question at issue; and it may also happen that facts are alleged which it is impossible for any party to contradict. But in cases where persons are called who speak to a particular fact, other persons being present, and no contradiction is given with respect to that fact, (those persons being within the reach of the party whose interest it is to disprove the fact), then, it appears to me, that the circumstance of these persons not being called, amounts to a tacit admission that the fact so charged is incapable of contradiction. Now, my lords, give me leave for a moment to lay out of the case all the evidence which has been called in support of this bill—to lay out of the case the evidence of Majoehi and De Mount—(and when I desire that these persons may be left out, I am not presuming, nor meaning to admit, that both of these persons may not, in many circumstances, have spoken the truth,) but lay out of the case the whole of this evidence, and travel with me to the polacca. Now, my lords, who went on board the polacca with her royal highness? There were Schiavini, Hieronymus, Bron, the countess of Oldi, Garliuo, Camera, and William Austin. I think that your lordships will feel with me, that if we were trying the mere question, whether Bergami and the princess slept under the same tent, or awning, whichever you please to call it, there could be no doubt on the subject. If that were the mere matter at issue, your lordships could feel no difficulty in deciding that such was beyond all doubt the fact. I have forgotten to mention that this was proved by the evidence of Flynn and Hownam, as well as by the witnesses for the prosecution, so that no doubt can remain. Now, with respect to the evidence given by the witnesses Paturgo and the captain, I do not know that any observation has been made on it, but with respect to the compensation they are to receive for coming here.

A peer remarked, that there had been something more objected to them.

The LORD CHANCELLOR proceeded: A noble lord observes there is something more against those witnesses. I can only say, that when I hear what that something more is, I shall give it every attention in my power; and as many opportunities will be offered for correcting my opinion, I shall not fail to do so, if that which I have overlooked, with respect to these witnesses should make it my duty, and I shall be happy to give the accused the benefit of any change that this may produce in my opinion. At present, I can only speak of the case as I know it; when I shall have better information respecting it, on that information I shall act. As to the pay which Gargiulo and Paturzo are to receive, I think it right to say that you cannot have foreign witnesses brought to your bar, without dealing with them differently from the manner in which you treat your own, for you have no compulsory means of bringing them before you. It is therefore necessary to pay them for their time, as otherwise you could not expect them to come. Witnesses who are not foreigners, can be compelled to attend without receiving any remuneration for loss of time, the law (I will not say whether wisely or not) having only taken care of physicians and lawyers in such a case, and they alone can claim to be allowed for loss of time. Looking at this, then, give me leave to suppose that Gargiulo and Paturzo prove the fact (I put it as an hypothesis) that the queen and Bergami slept under the same tent for five weeks—supposing this to be true, how easily might they have been contradicted by other witnesses. This, however, instead of being contradicted, has been confirmed by Hownam and Flynn; and not only have they confirmed it, but the manner in which the proof was obtained from them at the close of their testimony, proves, from the reluctance with which they stated the fact, how important it was in their estimation. If Bergami had not reposed with the queen, this could have been proved by every one that I have named. Who slept below while they were on board the polacca? Countess Ol-di, the servants, and all the persons I have mentioned, and therefore, as they have not been called, I will ask, is it possible for any one to say that we have not positive evidence that Bergami did not sleep below during the five weeks

which the witnesses for the prosecution stated him to have passed under the tent. It is to be sure quite a different consideration, whether sleeping under the tent, from that and various other circumstances proved by unsuspected witnesses, their lordships would be justified in drawing the inference, that the act of adultery had actually taken place. Your lordships, however, will feel it to be your duty to keep in mind what has been sworn to have taken place at Aum, and you will also bear in recollection the measures taken to secure the contiguity of the bed-chambers of her royal highness and Bergami at almost every place which they visited. In the circumstances of familiarity which have been sworn to, there is no proof of adultery, but as these may seem to lead to that intercourse which the parties are charged with having carried on, you are to bear them in mind, as well as all the proofs of the elevation of Bergami: nor are you to confine your view to the elevation of Bergami himself, but you must look to the extraordinary elevation of all the individuals of his family. Your lordships will not overlook the very important fact of the introduction of the countess of Oldi to the establishment of the princess, as a person of quality, without any of the suite being possessed with a knowledge of her being the sister of Bergami. The introduction of this person was a most extraordinary circumstance. It is strange, and, in my mind it is a strong fact against the accused, that the countess Ol-di was thus placed in the intermediate situation which she was to fill, between the queen and Bergami, with this caution and concealment. I would now direct your lordships' attention to the evidence of Gargiulo, at page 117. It will there be found, that, after speaking of the distribution of the cabins on board the polacca, on the outward voyage, certain alterations were made with respect to the cabins, by order of her royal highness, and such a change was made, that the queen could see Bergami in his bed when she occupied hers, and be seen by him from his. This testimony has not been disproved. I will now call your attention to a part of the evidence of Mr. Flynn. He states the situation in which the different persons in the suite of her royal highness slept on the passage out; he knows where every one of them slept on that

voyage. Now, I say, read his evidence through, and ask, how is it possible that this man could give such direct evidence on this subject on the outward voyage, and yet know nothing, or nearly nothing, of the arrangements made for the voyage home. Looking at this, and remembering how the fact has been proved by other witnesses, can any inference be drawn but one—namely, that the parties did sleep under the same tent or awning together. In the evidence of Hownam, I remark the same backwardness to speak on this subject. How often was he asked where the parties reposed, before he admitted that the queen and Bergami slept under the same tent. If there had existed any necessity for this, to account for it in a manner creditable to the accused, would not these gentlemen cognisant, as they were, of the evidence which had been given on this subject, have stated it to the house? If it were necessity that dictated such an arrangement, and that necessity were known, how came those witnesses to have such difficulty in communicating all they knew on this subject to the house? It has been positively sworn that her royal highness and Bergami had been seated on a gun and on a bench on the deck of the polacca, with their arms round each other and kissing, and this has not been contradicted. Permit me to say, unless I have greatly misunderstood the divorce cases that have come before me (but few such cases have been before me in the lower courts, though more than I could have wished), the adultery has always been inferred when there has been proof that the parties have slept together in the same place for five or six weeks. The whole of the circumstances are to be taken into consideration. The proofs of what, in the language of the law, is called the *tempus* and the *locum*, are to be kept in view, it being always remembered that the question is not, whether the parties have been seen in the act of adultery, but whether, under all the circumstances, the inference does not necessarily arise that an adulterous intercourse must have taken place. If you look at the evidence, you will find it stated that the tent was lowered by day, while her royal highness and Bergami were under it. Gargiulo was asked by whose directions this was done, and his answer your lordships will remember was, that the tent had

been lowered by directions from Schiavini. Now, I beg to ask, if the evidence of Gargiulo and Paturzo ought all to be thrown away, in consequence of the bargain made to remunerate them for coming here, when it is clear that they could have been so easily contradicted, if what they had stated was other than the truth. He (Gargiulo) was asked who gave the orders for lowering the tent during the day, and he answers Schiavini. Did Schiavini give such an order, or did he not? If he did not, why was he not called to contradict Gargiulo? As this has not been done, his absence must be regarded, as tending to confirm the evidence of Gargiulo and Paturzo. Can you find in the evidence any fact proved that made it necessary for the tent to be let down in the course of the day? If no necessity is proved to have been acted upon, what could be the reason for shutting up the tent two or three times during the day, and of their retiring beneath it for an hour, or an hour and a half together? The weather at this time is said to have been perfectly calm—the air so light as scarcely to ruffle the tide. Then where, I ask, could be the necessity for shutting down the tent during the day? I cannot consume your lordships' time by going through all the evidence; but I must call your attention to facts which could have been so easily contradicted. You, I hope, will turn over in your own minds what has been stated with respect to the awning or tent on the deck, and the apartments below. Why were not those who slept beneath the deck called? It was said their nerves are too delicate to meet a cross-examination. This excuse for their non-appearance your lordships can never admit as a satisfactory reason for their not being brought before you. It is, however, right to state that the circumstances on board the polacca are not to be taken by themselves. Your lordships will give me leave to call on you to look a little at the case at Aum. Allow what you please for the fatigue of the journey, and the situation her royal highness was placed in at the time, and then, I will ask, what could possibly induce a person of any pretensions to character, having one tent within another, to have a man to repose with her in the inner tent. She had Theodore Majocchi on one side, and Garlino (who has not been called)

on the other. She was therefore perfectly secure from danger; and I will therefore ask, what possible occasion could there be for Bergami being taken into the inner tent? Without him she was sufficiently protected, for here there was no tossing of the sea—no heaving of the ship, to make his services necessary. Then, my lords, as to the character, the merits, and the qualifications of the person raised to such pre-eminence and consideration, how are we to account for such an extraordinary promotion? There is a great difference between the case of a person promoted after a life spent in labour, in fidelity, and in the meritorious discharge of important services, and the case under consideration. It is one of the great blessings of the constitution under which we live, that the highest situations in the country are accessible to those whose merits, and whose talents, render them worthy of pre-eminence. But that view of the subject is wholly inapplicable to the case of the individual alluded to—who has not only himself been raised to this high distinction, but every member of whose family, with one exception only, has shared in the prosperity which has attended him. Look, my lords, to the evidence of Mr. Craven, and Sir Wm. Gell, and Sicard. Sicard, who gave his testimony, in a manner, which I think did him great credit, states to your lordships the manner in which this man entered her majesty's service, and the nature of the advantages he was taught to expect. He told your lordships that Bergami was engaged as a courier, to go merely to Naples, with a promise of recommendation, if his conduct was approved, but nothing more. Mr. Craven's evidence upon this point was, that Bergami was told he might hope to be promoted, and Sir W. Gell's that he might hope to be considerably advanced. But, my lords, was this all that happened to this man—did he remain in that state of humble expectation? I ask your lordships whether in the world there was ever such an instance of promotion as this case presents—where the whole family of this man, with one exception, and that his wife, is raised to distinction and affluence? The conclusion to be drawn from such a state of things, I leave your lordships to judge. You find from the proceedings in support of the bill that there are eight or nine witnesses,

every one of whom, with reference to the facts to which they deposed, remains uncontradicted; and there is no impeachment of their general character, or their particular conduct, unless you act upon bare suspicion, suggested in argument and observation. There appears, however, in point of evidence, no ground upon which you can safely act in saying, that they are not to be believed. Why, then these witnesses speak to acts of familiarity, which undoubtedly in many instances may exist, without any act of adultery having been committed; but which when coupled with the opportunities afforded for the commission of the act, from the contiguity of bed-rooms and other circumstances, are such as must lead the mind of every man of plain sense and common understanding to the irresistible conclusion, that a criminal intercourse had taken place? This inference must always be drawn under such circumstances as have been proved in evidence. But, my lords, I wish to know why is not Bergami himself produced? It is said, he cannot be produced. That I deny. I say he might be produced; and in the case that has been alluded to in the course of this inquiry, Major Hooke was produced. My lords, you have had cases at your lordships' bar where the adulterers themselves have been called to prove the adultery. Then, I ask you, what are you not to infer, not only from the absence of every member of this family, and of all other witnesses, to prove innocence, but from the absence of a man who, if he were innocent, has imposed upon him an obligation to which no individual was ever before subjected—an obligation imposed upon him by all the mighty favours he had received, by all the circumstances of benefit he has enjoyed—an obligation, of a nature the most transcendent, to come before your lordships as a witness on behalf of his illustrious mistress? If, then, he might come—and if he has this powerful obligation pressing upon him to come—I ask, why he did not come? There are many circumstances in the case to which I have not alluded, and to which I do not mean to allude. But, referring to the leading features of the case—referring to what occurred at Senigaglia, at the Villa d'Este, at Trieste, at Carlsrue, and in Catania, and attending to the evidence of all the witnesses who have been examined in sup-

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Lord Erskine.

port of these leading features—attending to the acts of familiarity proved, and not attempted to be denied—attending to the extraordinary promotion of this man, and every member of his family, with one exception—and, lastly, attending to the evidence of what occurred on board the polacca, I cannot withdraw myself from what appears to me to be my imperative duty, namely, to express my firm belief that an adulterous intercourse has taken place. I express this opinion, because the conclusion is perfectly consistent with the case stated and the facts proved, taking for my guide that principle of law laid down, that the circumstances must be such as that a reasonable and plain man, addressing himself dispassionately to the consideration of the case, cannot doubt of the guilt imputed. One word more, and with that I shall close what I have to address to your lordships. As to what has passed within these doors, upon this case, I am disposed to say nothing; neither will I take any notice of what has passed out of doors, because I am not supposed here to know it—but I will say this, that whatever has happened, or whatever may happen, I will do my duty here according to my sense of duty. I was sorry that your lordships should have heard at your bar, from the mouth of a learned advocate, something like a threat as to the consequences which might follow the decision of this case in favor of the bill (hear, hear). Such a threat I am persuaded will have no effect upon your lordships in the faithful discharge of your duty; and that whatever may be your decision, you will to the last feel it imperative on you “to be just, and fear not.” (Hear, hear).

After a short pause, lord ERSKINE rose, in answer to the noble and learned lord. He said, that the exhortation of the noble lord to keep the balance even, in trying this as a question of justice, was completely at variance with the early parts of this proceeding, when her majesty's name was excluded from the prayers of the country, an act which was diametrically opposite to the spirit of justice. The noble earl opposite had strenuously contended that the imputed crime could not be brought under the charge of treason; because it was alleged to have been committed with a foreigner abroad. He confessed that the noble earl had so ably argued in support of that point, that he began to doubt that his own

opinion was erroneously grounded; but from subsequent research, he had found that his impression that impeachment would lie, was correct. They could have proceeded by impeachment, and the motive which induced his majesty's ministers to prefer a bill of Pains and Penalties, was too palpable to be misconceived; they knew, in that case, that the proceeding must have originated in the House of Commons. That house had had the papers laid before it; and he and their lordships were aware, that they would not advance a step further, and that those of his majesty's ministers who had seats there were parties to a resolution, declaring that the proposed investigation would be “derogatory to the dignity of the crown, and injurious to the best interests of the empire.” And this resolution was urged on grounds, that contamination of public morals would ensue, that the people were surrounding the house, complaining of the injurious tendency of the proposed measure (and they were still complaining,) and the consideration of its universal unpopularity. The resolution passed, and was conveyed, by deputation to the queen, and her majesty refused to accept the address of that house on grounds which could not be questioned. She had stated in her reply, that “an entire reconciliation of those differences, effected by the authority of parliament, on principles consistent with the honor and dignity of all the parties, is still the dearest to my heart;” and further “as an accused and injured queen, I owe it to the king, to myself, and to all my fellow subjects, not to consent to the sacrifice of any essential privilege.” Now this “essential privilege,” was the preamature and unjustifiable erasure of her name from the liturgy. Had that unwarrantable measure been redeemed by its restoration, the queen would have accepted the address, and the country would have been spared an inquiry fraught with so much mischief. It was the duty of his majesty's ministers to have restored it; the success of the resolution, to which they had voluntarily become parties, was in their power; they could have done away with the difficulty which was a bar to an amicable adjustment, and have displayed their justice by holding the beam with equal hand. They, however, pertinaciously persisted with

their bill of Pains and Penalties, because the other house had shewn their hostility to any investigation; it was now to be read a second and a third time, and of course to be sent down to the commons; but could their lordships reasonably expect that the lower house would entertain it, after having been told in the first place, that they should not proceed by impeachment, and had almost unanimously declared, that they would not proceed to the inquiry?

Here the noble lord exhibited symptoms of strong indisposition, and a pause of a minute or two took place. His lordship then attempted to resume, but, after a few words, sunk down and fainted away. He was caught in his fall by some of the peers near him; the windows were opened, and a glass of water brought, but his lordship continued so ill, that he was obliged to be borne out by Mr. baron Garrow and earl Grey.

Lord LAUDERDALE suggested that the house should adjourn for a quarter of an hour.

The house adjourned accordingly.—

On the house resuming,

The lord CHANCELLOR said, that he could not allow the debate to go farther without saying a word in explanation. His noble and learned friend (lord Erskine), whose absence, and the cause of it, no man more sincerely lamented, had argued as if he (the Lord Chancellor) had stated that the case on board the *polacca* formed the whole case for the prosecution. He had said no such thing. All he had meant to say was, that that case alone had sufficed to determine his individual judgment.

Lord LAUDERDALE now proceeded to address their lordships. He felt almost completely overawed by the weight of the subject; and the only consideration which sustained him was, that by the constitution of the house, every man was supposed to be qualified to judge of a plain question of evidence. He would not follow the example of his noble and learned friend (lord Erskine), in making the whole proceeding a means of attack on his majesty's ministers. He was as ready as any of his friends to take any party advantage of ministers; but in a question of this sort he discarded every thing like party feeling (hear). He had come to the question as perfectly

determined to do his duty conscientiously, as if he had never acted as a party-man through the whole course of his life (hear). The principle by which he felt bound to look at the case, was that laid down in the case quoted at the bar, *Loveden against Loveden*. He did not ask for a direct evidence of the perpetration of the act of adultery; all he asked, was such evidence as would satisfy any man of plain common sense. Was there, then, such evidence? He was as decidedly, as honestly convinced there was. He had never known in any case a combination of circumstances so strongly leading to the conclusion of guilt. In proceeding to comment on the evidence, he would lay entirely out of his consideration the whole mass of evidence for the prosecution, and confine himself to what was established by the evidence for the defence; for even by that evidence he conceived the fact of adultery to be demonstrated beyond the possibility of a doubt—at least in the minds of those who chose to look at the case fairly and dispassionately. In doing this, he would be able to get at the whole history of the hero of the tale, Mr. Bergami. The noble lord here proceeded to recite and comment on the circumstances of Bergami's elevation, as proved by the evidence for the defence. His lordship laid particular weight on the caution which Mr. Keppel Craven had presumed to give to her majesty, as to being seen walking with Bergami, when he was in the situation of a courier. He had often heard women reproved for walking abroad without a servant, but this was the first time he had ever heard of a lady being cautioned against being seen walking with one. Could their lordships doubt what the peculiar reason was which operated with Mr. Craven? Could they doubt that it was because of a suspicion on his mind of that adulterous intercourse which the bill imputed to her majesty? If he had not had such an impression—if there had not been some such reason, he would have deserved dismissal for daring to offer counsel so unbecoming in a chamberlain to a lady of her majesty's rank and character. The noble lord next directed the attention of their lordships to the introduction of so many persons of Bergami's family into the service of her majesty. The appointment of the countess Oldi to the situa-

tion of sole lady of honor, was most powerful evidence of guilt. Secrets between young gentlemen and young ladies often led to danger; but here was a secret confined to the breasts of a princess and her servant. He hoped he was not exaggerating; but really this fact struck him as very strong. What! a secret between a princess and a person who had entered her service but five months before for a job!! The noble lord then proceeded to comment upon the evidence of Mr. Hownam, who, he said, had dexterously avoided the acknowledgment that any entertainment had taken place on St. Bartholomew's Day on board. In that evidence the grossest prevarication had been made. As to the theatre, Hownam's recollection had been guilty of treachery. He had not recollected whether her royal highness played columbine, but he remembered that she played an automaton, a thing that could be wound up to any thing; and she was sold as a machine! One of her visitors had taken notice of his figure, but forgot every other circumstance attending him. It was yet to be learned how the circumstance of appearing with a sword drawn when there was a fear of robbers, could have entitled Bergami to such distinction. Then there was the change in the apartments on board the *Leviathan*. It would be recollected that lady C. Lindsay said, that in the *Clorinde* her royal highness's female attendants slept near her; but, on board the *Leviathan*, the most suspicious arrangements had taken place, and captain Pechell refused to sit at the table, in consequence of the fact that this courier, who had waited at table on a former occasion, had been dignified to a seat at it. Capt. Pechell had acted by this refusal in a manner highly creditable to himself (hear, hear). Why, nothing would then gratify the liberal feeling of her royal highness, but the keeping a separate table for the entertainment of this highly-favored man. The noble lord then called their lordships' attention to the evidence of lieutenant Flynn and Mr. Hownam, which proved how far those volunteer witnesses exposed themselves, and to what credit they were entitled. He read that part of Mr. Hownam's evidence which stated that the witness had not observed whether, on St. Bartholomew's day, Bergami and the queen had walked arm in arm on the deck—that they walked as usual—that they might have walked arm in arm, &c. This the noble lord called

the grossest prevarication; and unless the evidence of Mr. Hownam was confirmed, he could not credit a word of it. Indeed, their lordships were to make a choice between Flynn and Hownam upon several points, for they were in many instances quite opposed to each other. His lordship next adverted to the necessity that a person should sleep near her majesty on board the *polacca*, and commented with great severity upon the evidence of Mr. Hownam as to that subject. That witness had, he said, admitted, in one place, that no danger existed; and in another, that it had—in one place he said the crew were to be suspected, and in another that they were not. Now if there was no mystery in the tent in which her majesty lay, there never had appeared before the public two more perjured witnesses than Hownam and Flynn. The noble lord then animadverted on the testimony of lieutenants Hownam and Flynn, whom he designated as two precious witnesses, and who contradicted each other. The evidence for the defence had been incomplete so far as related to the *polacca*: and yet Oldi, Bron, Hieronymus, Austin, Schiavini, and Camera, had not been called. The fact was, that lieutenant Hownam's evidence in favor of the intercourse on board the *polacca* was supported by five other witnesses. There had been little, very little done, to impeach the evidence of Majocchi and De Mont, much as he had been abused. Majocchi's evidence was more connected than that of many of the witnesses, but he had said '*non mi ricordo*,' and this had been made the ground of a very unjustifiable attack. But, in a manner to impress the public mind, it was stated that he had been contradicted by a Mr. Hyatt, a Mrs. Hughes, a Mr. Hughes, a banker's clerk, and by a Mr. Godfrey, with whom he had travelled in a stage coach; and yet not one of these persons had been called, which would have been the case if they could have contradicted Majocchi. Carrington on had been called to contradict Majocchi; but Carrington's assertion as to his being a midshipman, was contradicted by Sir John Beresford, and Carrington was not a witness entitled to any credit. The noble lord next adverted to the balls at the Barona and at Naples, and on the elevation of Bergami, whom Sir William Gell considered as a gentleman, and so polite that he would light him down stairs with two candles. The

noble lord (Lauderdale) next alluded to the change in the apartments at Naples, and the evidence of Made-moiselle De Mont, in seeing the princess pass from Bergami's room to her own, with pillows under her arm. This evidence was conclusive, inasmuch as it might have been contradicted by correct testimony. He alluded to the letter of De Mont, who was anxious to serve her sister, and who, in a letter to the princess, expressed her gratitude to her and to Bergami. Was not this singular? Would any one who had received favours from her late majesty, return a joint letter of thanks to the queen, and to the earl of Morton. The case of Aum was the next he would notice; and it was in the evidence of Majochi and De Mont that the princess and Bergami slept under the tent; and although Hieronymus, Schiavini, Austin, and all the knights of St. Caroline were there, not one of them had been called to contradict their statement. He had gone much into the examination of the evidence, not from any weight which he thought his views of it might have, but that the country might know the grounds on which he gave his vote. He disclaimed all views of personal interest, and said he had been pestered with accusations of this sort. It had been said he was going out to India, and a medical gentleman had applied to be his physician; but he declared that he had no more idea of going to India than he had of going to the North Pole; and that he gave his vote as disinterestedly and as conscientiously as any peer in that house. A Bill of Pains and Penalties, he (lord Lauderdale) contended, was not an unconstitutional measure, and the fair and liberal manner in which this bill had been conducted, with a guarantee affording justice to the accused. He vindicated this mode of proceeding in the present instance, in preference to an impeachment. A noble lord then absent (lord Erskine), had said the House of Commons had already decided on this subject, but he did not know how that could be said; and he thought it was indiscreet in the noble and learned lord to allude to the proceedings of the other House of Parliament, as influencing them. He declared that, considering the evidence that had been brought forward, and laying his hand on his heart, he could not but vote for the present bill; and

he doubted not that the House of Commons would, after inquiry, confirm the decision.

The Earl of ROSEBERRY thought that this was a case in which no peer ought to give a silent vote; and he hoped the house would accept this as his apology for the few words he had to say upon it. Notwithstanding all he had heard, he could not reconcile it to his honour and conscience as a jurymen, to give his assent to the passing of the bill. On attentively considering the whole facts and circumstances of the case, he could not say that he was convinced of the existence of that adulterous intercourse, without a full conviction of which, as their lordships had been well told by the noble and learned lord on the woolsack, no lord ought to give his vote for the bill. He implored their lordships to ponder well the effects which the passing of the bill might probably have; to view it not only as a question of justice, but as one of expediency. If any doubt—if the least doubt existed on the minds of their lordships—if there was any deficiency in the evidence, the benefit ought to be thrown into the scale for the defendant (hear, hear, hear).

Lord REDESDALE thought the proof was full, complete, and absolute. He could not conceive how there could be a doubt on the subject in the mind of any reasonable man. He had considered the evidence attentively—he had examined it over and over, and his impression was, that the case had been more fully proved than ever any case in which a contrariety of opinion existed. He (Lord Redesdale) had much legal experience in a country (Ireland) where there was a great disposition among the people to swear against each other; he knew all the difficulties of extracting truth from a mass of conflicting testimony; but he never knew a case where there was less difficulty to encounter than there was in the present. It had been proved by the very evidence brought to disprove it. The noble lord, after an ingenuous encomium on the evidence of Majochi and De Mont, of both of whom, he said that he thought them entitled to credit, and gave them credit, he proceeded to consider the proceeding in a constitutional point of view. He thought it surprising that a Bill of Pains and Penalties should be objected

to as an unconstitutional measure, when the whole constitution of the country depended on one—the exclusion of the Stuarts by the Act of Settlement. All divorce bills were, in fact, Bills of Pains and Penalties. His lordship illustrated his view of the case by a number of references, and having concluded exactly at four o'clock, the house adjourned.

FRIDAY, November 3.

The names of the peers having been called over, the house proceeded to the discussion of the bill.

Earl GROSVENOR first addressed their lordships, and observed, that after the most attentive consideration of all the evidence and all the arguments which had been adduced for and against this bill, he felt himself called upon to say "Not Content" to its second reading. Their lordships had heard on one side of this question all those arguments which had been urged in its favour, and they had likewise heard, on the other, the able, and he could not help thinking, the conclusive reasoning in reply. Before proceeding further, he was anxious to refer to one or two points in the speech of the noble and learned lord near him (the Lord Chancellor) a speech which, he had no doubt, their lordships would agree with him in thinking must have had a very powerful influence on that house. It was impossible but to recollect, that the noble lord to whom he alluded in addressing them, had endeavoured to take an unprejudiced view of this question, and to hold the balance of the scale even. It was to be regretted that the noble and learned lord had not always pursued the same course, and had not used his efforts to persuade the noble lords opposite to advise his majesty to put the queen's name in the Liturgy. Had this been done, he had no hesitation in believing that all those difficulties into which they had been plunged, would have been completely obviated (hear, hear, hear). It had been stated, that this house ought not to be influenced by any proceeding in the other House of Parliament; and that to whatever decision they might come, they should have no regard to what might be the course taken elsewhere. To this, as a general principle, he acceded, but when the nature of these questions was considered—and

when the length of time it had been before the country—as well as the fact of the other house having come to a resolution on the subject, were taken into view, he did not conceive that it was at all improper for them to reflect upon what might be the ulterior fate of this bill. With regard to the effect of this inquiry, he thought it was a most fortunate circumstance that it had taken place. The noble and learned lord had stated a proposition to which it was impossible for them not to agree; it was, "that, unless they had really and decidedly made up their minds that the charges had been proved, they ought not to vote for this bill." He had also stated, and he hoped their lordships would never forget it, that before they came to a vote, if there remained the slightest doubt upon their minds, with regard to the guilt of the queen, that doubt ought to operate in her favour. (Hear, hear, hear.) He called upon their lordships to decide upon this just and equitable principle; and then he had no hesitation in anticipating the complete rejection of this disgraceful and obnoxious measure. The noble earl then proceeded to advert to the evidence, and particularly to that part of it which was given as to the *polacca*. He thought it impossible an adulterous intercourse was either intended, or carried on under the tent. It was the last place in the world in which it would have occurred. Howsam said there was no mystery in Bergami's sleeping under it, and the natural inference to be drawn from this publicity, was, that no adulterous connexion had taken place. Such a set of witnesses as appeared in support of the bill he never before saw, with one only exception, captain Briggs, and he was at all events a negative witness in favour of the queen. It could not but be observed how De Mont came to their lordships' bar, ready to swear to any thing that could destroy the honour, or even take away the life of the queen; and yet she did not prove one single act of adultery. (Hear, hear, hear.) Looking generally at the character of the witnesses for the bill, he could not conscientiously act on their testimony. De Mont, already a countess, was, he supposed, to be still more elevated; Majocchi to be made Chancellor of Cotton-garden (hear and laughter); and the cook, Cueli, to be raised above all the

others. Gargiulo's evidence he could not believe; his remuneration was too high; he had a pique against Bergami; and he expected a large sum, besides what he said was due to him. But it was clear, when men were jealous, when men were suspicious, it required little to convince them of the infidelity of their wives. And whether they were kings, or not, they shared the same disposition. Their lordships were now called on in a case where the king was a party, and they had as much right to comment on him, as they would have on any other person, (hear). He had heard, when the Liturgy was brought to the king by the archbishop of Canterbury, that his majesty himself ordered the omission of the queen's name. Whether it originated with the king or the archbishop he would not say; but this he would say, that if he had been the archbishop (a laugh), he would have thrown it in the king's face (hear, hear). He would have done so, because it would mark his sense of the inhumanity and injustice of that he was required to do. Had he been a minister, in the same way he would have thrown down the seals of office, and trampled them under his feet, rather than commit an act of foul injustice. (hear, hear). There were often signs in the moral and political world which seemed as if to mark the proceedings of men. At the commencement of this foul and fatal charge against the queen, the thunders rolled through the heavens; and at its termination, a gloomy darkness set in, through which their lordships could scarcely see each other. If they threw out the bill, the note of joy would be heard in France, in Spain, in Sicily, in any country that was free. Russia and unregenerated Italy might hang down their heads in sorrow if the bill were lost; and they would do so, only because they were not free. Despotism always rejoices at an increase of victims (hear, hear). In conclusion, the noble earl conjured their lordships to heal the agonized feelings of the magnanimous sufferer, the queen—to do justice to themselves—to satisfy the country—and to do what they would wish to be done to their own wives, to their own beloved daughters, if placed in circumstances like the queen, and at once throw out the bill.

Earls Donoughmore and Harewood

here rose nearly together, the cries of "Earl Harewood," predominated, and earl Donoughmore gave way.

Earl HAREWOOD, after thanking the noble lord for his courtesy, said, that being placed in the double capacity of a judge and a legislator on this occasion, he wished to state the reasons that governed him in giving his vote. In looking at the evidence, he found much that was contradictory—much depended on loose grounds—other parts on a firmer basis. On the whole, he thought there was enough to create a strong suspicion. He did not discredit the witnesses because they were foreigners, but many parts of their depositions were not brought into the evidence, and that of itself threw suspicion over it. He wished, however, that his mind was as clear on the innocence of the illustrious accused, as it was on the impolicy of this bill (hear, hear). The bill consisted of two parts, degradation and divorce; the latter, he understood, would not be pressed, and the former was still liable to alterations. As a legislator, however, he was bound to look at the general effect of the bill; and looking at it in that way, he could not help regretting it was ever brought before their lordships (hear, hear). The very appearance of injustice or oppression always did much in this country; but leave the people to the unprovoked exercise of their own judgments, and they would ultimately decide aright. He considered the bill highly inexpedient—the great body of the people were against it; and, as a legislator, looking to its general effect, his conscience obliged him to vote against it.

Earl DONOUGHMORE said, though much weight must be attached to any thing coming from the noble earl, yet, on this occasion, he had offered no reasons why this bill should not be read a second time. The noble earl's speech showed, he considered, the illustrious inculpated guilty or not innocent;—and yet he said, on the grounds of its inexpediency, and the irritation of the public mind, that he would vote against the bill. He had the best opinion of the people, but he would not sacrifice the dignity of parliament to clamour or to danger; (hear, hear, from the ministerial benches). The people should not be taught that they were to be judges and rulers over their lordships. But, after all, the question

now was, "Was the Bill to be read a second time or not?" Before he gave his vote, he wished to state on what evidence he did so. First, then, he put out of the question altogether the evidence of Majocchi and De Mont; he would say nothing of Sacchi, or of that execrable witness, Cuccil, or of Barbara Kress. But, in doing that, he by no means wished to be understood as saying they were perjured persons. In looking, however, at the general features of the case, it was impossible not to be surprised at the rapid elevation of Bergami, and the introduction of his family into the household of her majesty. They all knew familiarities were proved to exist between her royal highness and Bergami; and though the affairs of the chain and the portrait were matters of little moment in themselves, still they tended to shew the intimacy that existed between them. The evidence of Gargiulo and Paturzo relative to the scene on the gun made a strong impression on his mind; and with respect to the tent, Gargiulo proved that Schiavini frequently ordered it to be fastened down. Why was it ordered to be fastened? That adultery might be committed. If for any other purpose, why was not Schiavini called? Her majesty was six months on board the polacca, taking in the land voyage to Jerusalem; but for five weeks she slept under the tent; and she appeared to him to have taken that long journey, not for pleasure, not for curiosity, but for the purpose of an adulterous gratification with Bergami. The noble lord then referred to the evidence of Pierello, pages 144 and 147. There was nothing to impeach the testimony of these witnesses, except it was that they got certain sums of money to defray their expenses, and make compensation for their loss of time. There was nothing in this circumstance that ought to affect their credibility. It was consistent with the usual practice. It was the course pursued with respect to witnesses in general. Though they were closely cross-examined for a whole day together, nothing came out to affect their testimony. They were, it was true, witnesses for the prosecution; but had they no witnesses for the defence who spoke to the circumstances on board the polacca? Yes, they had lieutenant Hownam: it was his belief that her royal highness and Bergami slept un-

der the tent during the voyage to Jaffa. This was a most material circumstance, not only from its being admitted by lieutenant Hownam, but from the great difficulty with which the admission was extorted from him. Never did a more reluctant witness appear in any court of justice. Hownam having admitted the fact, he (the earl Donoughmore) thought that, taken in conjunction with all the other circumstances, it could leave no doubt upon any person's mind that adultery was proved; not only adultery, but a long period of adulterous intercourse. How was it possible to read the evidence of the three persons before alluded to without feeling this conviction. They were men, no doubt in humble life, but he saw no reason to disbelieve them. Nothing appeared to impeach their testimony, the law therefore told him that he ought to believe them. He regretted that the noble lord on the woolsack did not go more fully into the case, and state more fully the grounds on which he voted. He would then have contributed in a more effectual way to lead the judgment of the house on this great and important question. He should have been glad to shelter himself under the authority of the noble and learned lord. He differed from those noble lords who expressed regret that more evidence had not been produced. He did not wish to have more or less evidence; but he was sorry that the selection was not better. He was a member of the secret committee, and after all that had been said, he would now repeat again, that with such facts before them, ministers would have failed in their duty, both to the crown and to the country, if they had not brought the matter forward for investigation. Whatever clamour might have been raised, or at present exist against the measure, the people would at last come to a correct idea on the subject. It was, indeed said, that the public had decided already. Whatever their decision might be, to that he could not give up his own opinion, formed on deliberate consideration of the evidence before their lordships. It was said by the learned counsel at the bar, by way, he supposed, of intimidating their lordships, that if they pronounced a verdict of guilty in this case, it might be the last they would pronounce. To him it appeared ridiculous to direct such an insinuation, not only to their lordships,

but to any body of reasonable men, sitting under similar circumstances. They were not to be deterred by such threats from the discharge of an important duty. The noble earl concluded by a warm panegyric on his majesty, but in so low a tone of voice that he could not be heard below the bar.

Earl GREY said, that, though desirous to hear what could be said by the noble lords opposite in support of this bill, he could not consider himself as discharging his duty, unless he addressed their lordships without further delay, and stated the grounds on which his vote would be given. In civility to his noble friend (the earl Donoughmore) he would dismiss all those topics with which he concluded his speech. If her majesty's counsel had acted with impropriety—if they had used inflammatory language—if they had introduced into their speeches topics which loyalty to their king and duty to their country should have forbidden, their lordships should not have sat quietly to listen to them. His noble friend represented this language in a way in which he (lord Grey) should be sorry that others understood it. He was not there for the purpose either of approving or condemning what had been said or done by counsel at the bar. Whether right or wrong, the effect could not be diminished by again calling up the recollection of it. A complaint was also made that the noble lord on the woolsack had disappointed their expectations, by not entering into a judicial and comprehensive statement of the whole case, for the purpose of leading their lordships' judgment. No person, he would admit, from his great experience, his practice, and discriminating judgment, was more capable of making such a statement. No man could, for his own information, be more glad to hear such a statement than himself (lord G.), but he did not think that the noble and learned lord had any such duty to perform upon the present occasion; the noble and learned lord, upon the present occasion, sat only as a peer among peers, and a juror among jurors. He was there to support his own opinion by argument, and not called upon to discharge any duty similar to that of judges in other courts. His lordship then proceeded to state his objections against the principle and policy of a bill of pains and penalties. He never contended that such could not

be justified in any case—that there were no circumstances under which it might be constitutionally introduced. He had read the history of the constitution with far different opinions, and agreed with the noble lord on the woolsack, that as there were precedents of such bills at the time of the Revolution, as in preceding times also there were instances of such an exercise of parliamentary power, it must be within the competency of parliament to have recourse to them under peculiar exigencies. Still, however, bills of this nature were so objectionable, and they were of such rare occurrence, and so contrary to the spirit of British legislation, that nothing but a great and paramount public interest could justify them. He objected to this measure, therefore, at the outset, because it appeared to him that it was not necessary, that the circumstances of the case did not absolutely require it, and, therefore, he recommended a bill of impeachment, as more consistent with justice, as a more constitutional mode of proceeding. Was the noble and learned lord, or the noble earl opposite, (Liverpool), so ignorant of what was passing round them every day, as to suppose that the people of the country were quite indifferent on this measure? Were they so ignorant as not to know, that if the proceeding originated by impeachment in the other house of parliament, a very different result might have taken place. The noble earl (Liverpool) seemed to be aware that a different result would have been the consequence, for when a proposal was made to get rid of this inquiry, and to leave the matter open to impeachment, he said it would be equivalent to voting that there should be no proceeding at all. This was as much as to say, in fact, that the House of Commons would never entertain a proposition for impeachment. In this respect, therefore, it was not more favourable to the queen. To guilt, a bill of pains and penalties might certainly be more favourable; but not to innocence (hear, hear). What was the effect of such a proceeding? The noble lord on the woolsack said the present was only like every other bill of divorce which originated in that house, and was then sent down to the House of Commons. It was very different to a common bill of divorce, as it included questions of the highest state importance—the degradation of the queen, and the honour

and dignity of the crown. Here was a bill brought before the highest court in the kingdom, with all the solemnities peculiar to itself, with the judges in attendance to assist their lordships in any difficulty that might arise, with witnesses, whose examination was upon oath. Suppose it to pass there, and afterwards to be sent to another court of appeal, and an inferior court, divested of all those solemnities, without the presence of the judges—without the power of examining witnesses upon oath. He could conceive nothing more dangerous—nothing fraught with worse consequences, than thus to run the risk of a contrary decision. This argument he before urged with all the force he was master of, but their lordships decided contrary. This being the case, however he might differ from those with whom he usually acted, he made up his mind to vote, not with reference to the principle of the bill, but on such evidence as might be brought forward to support it. He was, therefore, placed in this alternative, if the case was made out, either to vote for the bill, or to suffer her majesty to remain on the throne, polluted and blasted as she was. But how was the case to be proved, and what was the nature of the case. This last question could not be better answered than in the preamble of the bill itself.—[Here the noble earl read the preamble of the bill.]—Such was the case to be proved. Not merely one of adultery, but of gross licentious conduct; of conduct so disgraceful, that her majesty could not be allowed to retain her dignity without dishonour to the crown and the country. This was the thing to be proved by clear and undoubted testimony, by witnesses above all suspicion. Nothing short of uncontrovertible facts, leading to an undeniable proof of guilt, were sufficient to authorize them in passing such a bill. He would now address himself to the case. Before proceeding he would ask, if, at the conclusion of the Attorney-General's speech, the first case of adultery stated in such glowing terms to have occurred at Naples—if the facts represented to have taken place at Venice, at Genoa, at Trieste, at the Villa Brandi, if all these acts of disgusting baseness, by which the ears of the country had been polluted, were then given up—if it could then be stated that they were abandoned, that

they were cases that could be no longer relied on, and that all was reduced to the simple fact of the polacca, would their lordships have the slightest hesitation in throwing out the bill? (Hear.) After forty-five days' investigation, they were now called upon to consign her majesty to infamy and ruin, on the single case of the polacca. The noble earl then proceeded to shew such contradictions on the part of the witnesses Majochi, De Mont, Sacchi, and others, as rendered them unworthy of credit. Much had been said about the non-production of witnesses on the part of her majesty, who were supposed capable of contradicting the witnesses in support of the bill. But there was a difficulty in the way of producing such witnesses, if they could be found, which would have justified the queen's counsel in the exercise of a sound discretion, in not calling them. Strong evidence had been given to shew that attempts had been made to corrupt the witnesses who were likely to be called on behalf of her majesty. The conduct of De Mont in her endeavours to corrupt her own sister, Mariette Brunette—her correspondence, her mysterious allusions, and her *double entendres*, proved this to demonstration. His noble friend (lord Lauderdale) had said much upon the subject of not calling Brunette to contradict her sister as to the particular fact she stated to have taken place on a particular morning in the queen's bed-room. It was, however, to be recollected that De Mont did not fix the precise morning on which the supposed fact took place, and therefore with this uncertainty as to time, it was impossible to call her sister to contradict her. He was surprised to hear it said in this discussion, that Majochi had not been materially contradicted, when, in fact, six or seven distinct instances of direct contradiction could be pointed out in the evidence. For instance, it appeared that he had positively denied the existence of another passage leading to Bergami's room, besides that through his own apartment, and yet in the very same page he confesses that there was another passage. Was a witness so contradicting himself entitled to any credit? His lordship did not rely much upon the evidence of Carrington; but, undoubtedly, there were several other contradictions of

Majochi, not only by the testimony of other witnesses, but by himself, which could not but shake his testimony altogether. His want of memory upon points which he could not help knowing and recollecting was decisive. How little reliance could be placed on his evidence. He pretended that he could not recollect, whether his own bed, which he made every night, had sheets upon it or not. In the course of his cross-examination he gave a similar answer forty or fifty times, to matters upon which he could not be ignorant; whereas he answered readily and promptly to other questions, of a like nature, coming from the other side. With what particularity he described the disgusting circumstances of the bottle in the carriage; a subject of inquiry which his lordship thought wholly unworthy of the authors of the bill. Could it be called no contradiction when, in answer to a question, whether he knew a person named Hughes, he at first said he never heard of such a person in his life; and yet, in a short time afterwards, said he knew him so well, that he always called him his brother? He was quite surprised to hear the argument of his noble friend, that Majochi's evidence was stamped with truth, because in answer to the question whether he had ever applied to be taken back into the queen's service, he gave an explanation beginning with the exclamation—"Softly, let me explain myself." Was this a reason why his noble friend should say that Majochi was an unexceptionable witness? These then were general circumstances of suspicion attaching to this man's evidence which rendered him wholly unworthy of belief. The four principal witnesses were Majochi, De Mont, Sacchi, and Rastelli, all of whom had been dismissed from the queen's service at the time they were first examined, and it was singular, that not a single allegation was brought forward imputing the slightest impropriety of conduct to her majesty during those three years. De Mont, it appeared, had been dismissed in consequence of a criminal intercourse which she herself had had with Sacchi, a circumstance which she was herself constrained to disclose. The evidence of De Mont, with respect to her majesty's dress at the Naples ball, was most decisively contradicted by Sir William Gell and Mr. Keppel Crayon, witnesses of the

most unimpeachable veracity (hear, hear). Sir William Gell, whose knowledge of antiquity was so considerable, distinctly stated that her majesty's breast was not displayed in the indecent manner described by De Mont. The rest of De Mont's evidence upon this part of the case was utterly improbable and incredible. Adverting again to the evidence of Majochi, his lordship pointed out the inconsistency of his statement, that he changed his name in consequence of the supposed tumult which had taken place at Dover the year preceding. He then dwelt upon the direct contradiction of his evidence by Carlo Forti, Olivieri, lieutenant Hownam, and count Vassali, as to his having travelled with the queen from Rome to Senigaglia as a courier; from this point his lordship directed the attention of the house to the manifest contradiction of the other witnesses who were called to prove the kissing in a boat on the Lake of Como, —a transaction which he treated as utterly unlikely to have occurred in the presence of such vagabonds as were called to their lordship's bar. It was to be observed, that not one respectable person was called against the queen to depose to any of these indecencies; but that all of the witnesses were selected from the mass of the lowest of the Italian rabble. Upon such evidence as this he could not think himself justified in giving a vote in favor of this bill. His lordship then directed his attention to the test scene on board the palacca, and contended that though it must be admitted her majesty had slept under the tent with Bergami during the period mentioned, yet the transaction was extremely equivocal and quite consistent with perfect innocence; and it was to be remarked, that there was no evidence that other persons had not slept under the same tent during the period in question. The evidence of Mr. Hownam was most important upon this part of the case; and it was but justice to say, that gentleman, notwithstanding all that had been said, had given his evidence with great candour and propriety. With respect to lieutenant Flynn, the contradiction as to Schiavini's writing was of such a nature as must lay his testimony out of the question. By this he by no means intended to say that it was this gentleman's intention to give a false account,

because he could have no motive for concealment. He would then admit, that the fact of the queen having slept under the tent had been proved by five witnesses. With respect to the queen's Attorney-General, to whose extraordinary display of eloquence and talent he had listened with much attention, he did not remember that he had stated this circumstance as a part of his case; but he remembered, that in opening the queen's defence, he did not state that it was his intention to offer any denial to it; and he further remembered, that Mr. Williams, in his able statement of the evidence which he was about to produce, expressly stated the fact to be admitted. This charge of sleeping under the tent being thus clearly established, it remained for their lordships to say, whether this circumstance existing as it did, without concealment, would warrant them in pronouncing a verdict of guilty? He was bound to say, that he did not think it would justify any such conclusion; and the more especially when he reflected upon the suspicious nature of the evidence by which the proof of the fact had been accompanied. The noble earl then took a view of the testimony of Garziolo, the captain of the polacca, and of his mate, Paturzo; and contended, from the high reward which they had been promised, as well as from the expectations which were held out to the former by colonel Brown, as to his ultimately receiving the six thousand dollars, the refusal of which, on the part of the queen, had excited his resentment, that their evidence must be looked to as far from unsuspicious. Independent of this, however, he considered that the imputation of her majesty committing adultery on the open deck of the vessel, exposed to the observation of all the crew, with so many other opportunities for the gratification of her passion, if it existed, was altogether impossible. His lordship then referred to the difficulties and inconveniences to which persons travelling on shipboard must necessarily encounter—and with these difficulties, added to all the other circumstances connected with this tent scene, the hatches constantly open, and the suspicious nature of the testimony which had been adduced, he asked their lordships if their conviction of her majesty's guilt was so clear as to induce them to vote for this bill?—For his

own part, he did not hesitate to say, that he did not believe that the adultery had taken place, either on this or any other occasion (hear, hear). He had stated on a former occasion his feeling on the ill-advised letter which the queen had addressed to the king—he had no hesitation in expressing the same opinion now, both with respect to that letter and to the answers which her majesty had been advised to give to the addresses which were presented to her. He thought them most injurious and improper; but it was not on this account that his feelings upon the measure before them could be in the slightest degree influenced, and he trusted that other noble lords would equally banish from their minds every consideration, save that which had been immediately the object of their deliberation. He was alike incapable of acting from any consideration of the opinions which might be entertained out of doors, although he thought those opinions were held at too cheap a rate. He looked to the facts of the case, and upon those facts, and those facts alone, his judgment had been formed. The noble earl then commented with great force upon the mischievous consequences which must arise, if this bill, having been passed by the House of Lords, were rejected by the House of Commons. He confessed, in the present irritated state of the public mind, he could contemplate no greater evil than a division between the two houses; that that house should pass a bill to degrade and render infamous the queen, while the House of Commons rejected that bill, (hear, hear, hear). He had heard, that some of the judges who had been attending these proceedings had given their opinion, that, if the same witnesses had been brought before them as had been brought to their lordships' bar, they would not hesitate to direct the jury to find a verdict of guilty. He mentioned this report merely for the purpose of saying that he believed it was a circumstance which could not have taken place. He apprehended none of those learned judges could have so far forgotten the respect due to that house, as well as to their own character, as to have hazarded such an observation. Another report had been put in circulation, that if this bill were read a second time, it was not the intention of the noble earl opposite to carry it further.

This also he believed to be utterly destitute of truth—for if the bill were once read a second time, it would be the duty of that noble earl to carry it through its remaining stages. By the second reading of the bill, in fact, all the mischief would be done, and it would be impossible afterwards to relieve the queen from the stigma which such a proceeding must necessarily cast upon her. In conclusion, the noble earl made an eloquent allusion to the tenor of his past life; and, laying his hand upon his heart, declared, upon his honour and his conscience, that whether he viewed this bill with reference to the facts which had been given in evidence, or to its expediency, he should fearlessly and conscientiously say, upon the question of its being read a second time—"Not content" (hear, hear).

The Earl of LIVERPOOL commenced by concurring in the two distinct considerations of this subject noticed by the noble earl, which might lead to very different conclusions. The great question was, undoubtedly, whether the queen was or was not guilty of the imputed charges; but the expediency of the measure, in a legislative point of view, ought also be admitted, not to be forgotten. Though he was perfectly aware, as had been stated yesterday, that this was the only course in which the house could proceed, he could not but regret that such a course was necessary, because it necessarily mixed two considerations of an opposite nature, and must unavoidably leave the decision of the house uncertain, whether it had been made upon the guilt or innocence of the queen, or only upon the expediency or in expediency of passing the measure. Approaching the subject under these difficulties, he must, in the first place, say, that in his opinion, the point at present before the house was this—whether the preamble had been sufficiently proved—whether the substantial parts of it had been so established as to induce the house to read the bill a second time? The noble earl who last spoke had alluded to some supposed understanding as to what might be the conduct of noble lords if the bill were sent to a committee. Of such an understanding he (the earl of Liverpool) knew nothing; and to it he was no party (hear). It would be for the house, after the second reading, to determine whether the preamble had been proved wholly or in part; and

the particular enactments the bill should contain was a subsequent matter of deliberation. In this stage of the proceeding he put out of view all considerations of expediency; and he would state why. Did he undervalue those considerations? By no means; but the proper time for giving weight to them had been when the subject was debated on the 19th of August. The question then was, whether the bill should be read a second time at all—whether counsel should be called in to support and to dispute the bill? Since that date forty or fifty days had been occupied in the hearing of witnesses; the advocates for the queen had joined issue on the facts; and, under these circumstances, the house owed it to itself, to the queen, and to the country, to come to a decision upon the facts as they appeared upon the minutes. He admitted most distinctly, that, whatever any noble lord might think of all the allegations, no person ought to vote, and he desired that no person would vote for, the second reading, who did not believe that the adulterous intercourse had been proved by sufficient and satisfactory evidence (cheers). To this evidence he now wished to draw the attention of the house. The noble earl who had just taken his seat, had remarked upon the difference between the proof and the allegations of the preamble. Be this as it might, he was now perfectly ready to discuss this question on the evidence as it stood, and in the outset he was quite willing to admit that there was a great mass of contradictory testimony; but he would ask any man at all acquainted with judicial proceedings whether there had ever been a great case, in which the interests and passions of men were embarked, where the evidence was not a mass of contradiction? If in the course of his argument, like his noble friends on the woolsack, and on the cross-bench (Lauderdale), he rejected a great deal of the testimony, it was not because he disbelieved it, but because he was ready to give her majesty the advantage of all hesitation arising from contradiction. He was ready to put the fate of the measure upon this—that it should depend only upon the uncontradicted facts; if he could not show that it was founded upon uncontroverted and uncontradicted facts, he would consent to give up the bill altogether. (Hear, hear.)

It had been urged by the noble earl that a charge of this sort ought to be proved by witnesses uncontaminated in character and respectable in situation—that they should not even be liable to suspicion. But might it not be impossible to adduce such evidence, although guilt was undeniable? One noble lord from the gallery (Harcourt) had wished that the proofs had been given by English witnesses; so did he: but if the princess went abroad among Italians, and surrounded herself by Italians, never seeing one English soul, how was it possible to establish the case? In the same way, if she shut herself up from the higher ranks of society, and took into her service none but persons of the lowest station and characters, it was a sort of insult to the understanding to require that respectable and uncontaminated witnesses should be produced at the bar. Certainly it was a reason for examining the testimony with more suspicion, but not for rejecting it when the case admitted of no other. The facts on the part of the accusation had been established by servants of her majesty, who had either been dismissed or had quitted her employment. The evidence for the charges being given by servants either discarded or who had quitted, the answer should have come from those who remained in the household of her majesty. What had been the fact? Had any such answer been given? With the exception of lieutenant Hownam, of all the persons who lived with the queen at the period to which the preamble referred, and who continued with her now, not one had been called whose testimony was at all material (cheers). Under such circumstances, the defence would have had this amazing advantage, because discarded servants, as witnesses, must always be looked upon with a degree of suspicion, while confidence would be reposed in such as had continued in the faithful discharge of their duties. Fairly and judicially viewing the question, therefore, it must be acknowledged that the whole testimony that could be procured had been produced on one side, while, with the exception of lieutenant Hownam, there had been no evidence on the other, though it was avowedly within the reach of the party accused. The noble earl then proceeded to take a review of the dif-

ferent leading features of the case; to the rapid elevation of Bergami; to his visit to the theatre of San Carlos with the princess; to the mystery attending the reception of the countess of Odi into the family of the princess at Milan, to the exclusion of the wife, of Bergami; while his brother, his sister, his child, and his mother were all admitted; to the fact of Bergami dining with the princess in his courier's dress at Bologna, while Hieronymus, and other faithful and old servants, were rejected; all these circumstances he would say, proved, not a suspicious attachment, but an infatuated passion. He could almost say, that he desired no man to vote for this bill, who did not believe that, when the princess went on board the *polacca*, she entertained for Bergami an infatuated passion (cheers). The queen's Attorney-General had used an ingenious argument when he said that De Mont's letters, with her *double entendres*, were wholly incomprehensible; but, without them, clear, intelligible, and coherent. The same might be said of the queen's conduct: with the explanation attempted, it was absurd and incongruous, but, under the supposition of this ungovernable attachment, her strangest actions were easily understood. The infatuation of passion only could reconcile them, and he defied the wit of man to account for them in any other way (hear). What he wished to impress upon the house was, the conduct and character of the whole transaction. Let the house take the case upon all its different bearings, and see if they could come to any other conclusion. He found it undisputed, it could not be disputed, that wherever the parties went, the apartments of Bergami and of the princess were as contiguous as circumstances would permit. No danger could be apprehended at the times to which he had alluded; no pretence of danger could avail. Besides, if it was necessary for her majesty always to have a man near her, why was Bergami always to be that man? Why could not some other individual share that avocation with him? Let the house remember the evidence of the witness De Mont; let them recollect her majesty's practice of following De Mont to her chamber, and locking the doors whenever the apartment of that witness communicated with her own.

Whatever suspicion, if any, existed as to the testimony of De Mont, the same suspicion would attach, at least in an equal degree, to a great portion of the evidence on the other side; to lieutenant Howman's evidence it would particularly attach, because it was impossible, even with every disposition to allow for that gentleman's feeling towards his mistress, it was impossible to think of his conversation with captain Briggs, whether the advice in question had or had not been given to her majesty, was a matter of no consequence, without perceiving that his evidence was quite as suspicious as that either of De Mont or of Majochi. It had been said by the learned counsel on her majesty's behalf "We bring her on board the polacca without taint and without suspicion." He had marked the care with which that point had been laboured; the learned counsel had felt that the polacca was a strong obstacle in their path, and had proposed to get over it by carrying an unsuspected character up to that very point; but he (lord Liverpool) denied that absence of taint; he alleged, not only that there was suspicion before that period, but that there was a moral certainty of guilt.

At twenty minutes after four the house adjourned.

SATURDAY, November 4.

The Earl of LIVERPOOL rose, at twenty minutes after ten o'clock, to resume his speech. He thought it right to state broadly the grounds which should regulate his vote upon the present important question. In the first place he must say, that in his opinion, and without attaching implicit credit to the evidence on that part of the subject by Majochi and De Mont, there was strong circumstantial evidence, if not of the actual commission of the act imputed to the queen, at least that the intention to commit it existed between the parties, while yet Bergami remained in the situation of courier. But upon that part of the evidence which brought the journey of the princess of Wales up to Catania, he thought there was the strongest reason to believe that the criminal intention had been carried into complete effect. Before, however, he touched upon the Catania evidence, he must drop a few words respecting the conduct and manner of

her majesty when captain Pechell refused to receive Bergami at his table on board the *Clorinde*. Now one would suppose, that if her majesty were conscious of her own innocence, instead of hesitating, as it appeared she did, on receiving this communication from captain Pechell, she would rather have manifested indignant resentment, as if at an insult; and remonstrated with the government at home, as she then might have done, upon the refusal of the captain to sit at table with her royal highness's chamberlain. This course she did not, however, take; nor did she appear to have regulated her future conduct as a prudent and innocent woman would have regulated it, so as to avoid raising in the bye-standers any scandal respecting the intercourse with this man (hear). On the Catania evidence, however, there were De Mont, the countess Oldi, and Mariette Bron, who must have been privy to whatever up to that time occurred, between the princess and Bergami. Now the house had heard De Mont's evidence; they had not heard that of the countess Oldi and Bron, because the counsel for the defence did not choose to call them. He was willing to concede that the testimony of De Mont had been in some parts damaged; but where she had received no contradiction, and where contradiction might have been given, he submitted that she was entitled to the fullest credit. In this view of the case he looked to the occurrences at Catania. What was the story there? That her royal highness had been seen coming from Bergami's room with the two pillows on which she usually slept, under her arm. De Mont had not said positively that her sister, Mariette Bron, was with her when she saw this scene; but still the countess of Oldi was there: the countess of Oldi was in this country, and although stated to be forthcoming, had not been called. In the absence of the countess of Oldi be considered, with respect to Catania, at least, that the adultery had been completely proved. At Lunis a surgeon was taken on board, and on that occasion the bed of Bergami was moved into the dining-room contiguous to the chamber of her royal highness. He now came to the sleeping under the tents at Aum, on the deck, and elsewhere. That her royal highness slept alone under those tents with Ber-

gami, he would assume as a fact, because it cannot be controverted. It was clear, that during the whole of the voyage home, for thirty nights, Bergami had slept under the same tent with her royal highness; and this he desired to state took place without the slightest necessity—without even the pretence of necessity. It had been at first thought that there had been no mystery in this practice. This would have made no difference in his conclusion; but he did not agree that there had been no mystery; but, on the contrary, he thought there had been a great deal of mystery. In the first place, the Attorney-General for the queen, in his able and comprehensive speech, had never mentioned the tent on board the *polacca*, and Mr. Williams had only half mentioned it, for the purpose of throwing doubt upon it. Dr. Lushington was the only individual who had distinctly dwelt upon the fact, and applied himself to its explanation. The evidence of lieutenants Flynn and Hownam also evinced the desire there existed to keep this part of the case entirely out of view. In truth, it was manifest, that the admission of this tent scene had only been extorted with the greatest difficulty. So much for the mystery. He now repeated, that there was not the remotest necessity which could have called upon Bergami to pass one single night, still less a number of nights, under the tent with her royal highness. Lieutenant Hownam said, that he saw a bed up in the dining room; but he could not tell whether a person always slept in it or not during the voyage home. He would ask their lordships, after taking all the circumstances into view, whether there was any place in which the crime could be perpetrated with greater facility than under the tent? Was it possible that any woman could thus, for thirty successive nights, sleep under a closed tent with a man, and not leave a moral conviction, either that adultery was committed during the time, or that it had been so frequently committed before, as to take away all desire of profiting by the opportunity. It was said, indeed, that upon some of these occasions, while on shore, her majesty was exhausted—that she was fatigued by the journey of the day. This told two ways: and he must say, if there were any circumstances under which a modest woman would be least inclined

to expose herself in this way, it would be after the fatigues of a journey. On these two cases, therefore, he felt no hesitation in resting his belief of guilt, on the case of the *polacca*, and that at Aum. They amounted to a full judicial proof, though not, perhaps, to a complete moral conviction of guilt. He begged, however, to call their lordships' attention to some of the preliminary circumstances. It was asked, whether, if previous to her coming on board the *polacca*, no other circumstances had been proved, their lordships would consider the fact of sleeping under the tent to be sufficient proof of guilt? The case could not be argued in that way. He must say that the previous circumstances had fully established the existence of an infatuated attachment to this man. He would appeal to those who had heard the evidence, if there was not a case made out to prove that her royal highness was vehemently in love with Bergami. This he would confess did not necessarily imply guilt; but when the passion had previously manifested itself in various acts, in a variety of circumstances, great and small, what other inference, but that of criminal indulgence could be drawn from their sleeping so long under the same tent? If such was not the case, he must say that the decisions in the ecclesiastical courts of this country formed a code of as great cruelty and injustice as was ever imposed on mankind. Before closing all he had to say on the voyage to Greece, he could not help taking notice of the celebration of Bergami's birth-day at Syracuse. Here, as had been previously done at the Villa d'Este, it was observed as a complete festival. The princess and he walked arm in arm, amidst the cries of "Long live her royal highness the princess of Wales! Long live the chevalier Bergami!" If such a circumstance had been stated, before it appeared in proof, could any person believe it? Could it be supposed that her royal highness, who then stood in the relation of wife to the prince regent of England, would thus prostitute her dignity, and act as if she stood in that relation, not to the prince regent, but to Bergami, to a man who only twelve months before had acted as her courier—had waited at her table. If this was a case not unparalleled in the modern history of any time or nation, he

had read history to no purpose. One or two pains more before he closed. He must say, that with respect to the case at Carlsruhe, he considered it proved. Their lordships heard the evidence of Barbara Kress, and a more ingenuous, natural, and fair testimony could not, in his opinion, be given. He was right, therefore, in giving credit to her testimony; and in weighing it fairly against the circumstances brought forward for the purpose of discrediting her, he felt convinced that any judge, upon this part of the case, would direct a jury to find against her royal highness. The case at Charnitz was now different to what it appeared to be after the statement of the Attorney-General in opening the case, and that of her majesty's Attorney-General in opening the defence. If it turned out to be as stated by the King's Attorney-General, it must be considered as proved; but completely shook, if the circumstances were as stated by the counsel for the queen. How did the matter stand? In consequence of some defect in the passports, Bergami and the chevalier Vassali were sent to rectify it, and they returned, as the latter stated, between two and three in the morning. So far from there being any necessity for packing up after their arrival, the carriages had not, in fact, been unpacked at all. They were left at the barrier in the same state in which they were brought there. The princess ordered De Mont to place her bed on the floor in her royal highness's room, after Bergami and Vassali set off about the passport; but on their return she was directed to take away her bed. They were told that it was necessary for her royal highness's protection that a man should always sleep in the same room. Why then was not De Mont considered sufficient upon this occasion? Lieutenant Hownam was in the house; why was he not called upon to act as protector in the absence of Bergami? If a man was always necessary for her protection, how did it happen, how could it be rationally accounted for that Bergami was invariably the man selected? Though much of the seeming inconsistency and contradiction in Sacchi's evidence might be fairly explained, he would allow it to be entirely thrown out of the case. Still enough remained. With respect to the mode in which that case had been con-

ducted, her royal highness had every advantage that could be granted. She had full opportunity in the interval that elapsed between the accusation and the defence, of inquiring into the character of the witnesses at Milan, and of proving them unworthy of credit, if they were really so. This, however, was done only in two instances. There were seven who swore to gross familiarity and indecency, against whose character, not a word had been proved or even insinuated. It was objected, that they never before mentioned the circumstances to which they deposed, and that this alone was sufficient to throw discredit on their evidence. Four, however, had never a question put to them on the subject; and one swore that he told what he saw when asked about it. Was all their testimony to be put entirely out of consideration? With respect to the balls given at the Barona, whatever might have been said of the respectability of the persons who attended them, there appeared a great reluctance on the part of Vassali and Tomasia to allow their wives to attend them. The wife of the former was never present on these occasions, and it was doubtful if the wife of the latter ever attended. It was said to be nothing extraordinary that the wife of Bergami should be excluded from the house of her royal highness. It was not the exclusion of the wife, but the inclusion of the various other members of the family that seemed extraordinary. Not only was she not taken into the house, she was never even seen there, never attended the balls, never appeared there upon any occasion but one, and then she was obliged to run away as fast as she could, when it was known that the princess had arrived. Why this, when Bergami himself was acting as chamberlain, when his sister was dame d'honneur, when his brother filled the place of equerry, when his nephew was acting as stable boy? Here, therefore, were proofs of early familiarity with a person in the situation of a menial servant, proofs that this familiarity afterwards increased to a most extraordinary degree, that the greatest favors were lavished on him, that he dined at the same table with her royal highness in his courier's dress, that he was raised to the rank of baronet, the order of Malta procured for him, and an estate purchased. It was proved

that upon all occasions opportunities were created for committing the crime. What was the natural conclusion? That the crime had been committed. It was asked, why De Mont had not proved more? It appeared that her royal highness was always in the habit of following her waiting women to the door, and locking it after them. This might account for De Mont's not being able to prove more. The noble earl then proceeded to answer some objections to this mode of proceeding. He contended, that it was, in fact, no more than the common divorce bills which their lordships were in the habit of passing; that it imposed no greater hardship. With respect to such bills, a previous decision in an ecclesiastical court was not always necessary, though it was wise as a general rule. As to the expediency, or the in expediency of the measure, at the present time, they should not be influenced by that consideration. If they believed her majesty guilty, to reject the bill on the ground of expediency, would be a complete acquittal, and thus they would give, under the most fatal circumstances, a complete triumph to guilt. If their lordships believed her guilty, the best way would be to pronounce her so, regardless of the consequences that might follow. The vote he should now give in support of the bill would be given in integrity; in a desire that justice should be administered in mercy; that the illustrious personage should not be treated with a more severe punishment than the necessity of the case required; in a desire that complete justice might be done between the queen, the crown, and the country.

Lord ARDEN spoke against the bill.

Lord FALMOUTH only wished, after the display of eloquence their lordships had heard, to state the reasons that should govern his vote in the question before them. Guilty, or not guilty, he took to be the question, but other considerations also called for his attention. To the divorce clause of the bill he could not agree. He had heard the more proper time to object to it would be in the committee, but, on the other hand, he also understood, that insuperable difficulties would there attend it. He could wish to have that point explained; for if it were not distinctly stated that the divorce clause should be omitted, he must vote against the second reading of the bill. He was not

ignorant of the offence of the queen; but he was also not ignorant that the queen should have those rights enjoyed by every other married woman (hear, hear).

Lords Harrowby and Ellenborough here rose together, when the latter noble lord gave way.

Lord HARROWBY only rose to say, if there was any inseparable difficulty in getting rid of the divorce clause, should certainly vote against the second reading of the bill. He did not know whether that were or were not the case; if it were, although he was one of those who concurred with his noble friend in recommending inquiry into the subject of her majesty's conduct, he would certainly vote against the second reading.

Lord LAUDERDALE begged to state, that on every fair and just principle, he should certainly vote against the divorce clause.

Lord FALMOUTH said he made no allusion whatever to the noble lord (Lauderdale,) as holding a similar opinion with himself, respecting the divorce clause.

Lord ELLENBOROUGH: Though he was one of the secret committee who recommended an inquiry into the conduct of the queen, he was still of opinion, that to read the present bill a second time, would be highly inexpedient and detrimental to the public interest (hear, hear). He wished their lordships to proceed no further with the bill. The noble lord on the woolsack had told them, be just and fear not; he begged leave to add, "Be politic as well as just." It was said a modification of the bill would take place—an opinion in which he did not agree. Their lordships did right in his view, by instituting an inquiry into the conduct of her majesty: that inquiry had now arrived to the present important point, and they hereby evinced their regard for public morals and the maintenance of the public interest. The object of passing this bill would be, to affix a mark of infamy on the queen; but he feared its consequences would be, to excite a greater violence in public feeling—to produce a re-action—and in place of creating a strong sense of moral feeling throughout the country, to induce the very reverse: he should therefore vote against the second reading of the bill. But while he did this, he felt their lordships would be discharging their duty, if

DEFENCE OF THE QUEEN.

reprobated without strongly censure the conduct of her majesty." A man was not required to be a woman extraordinary endowments; but she was required to be of pure and virtuous blood. The queen of England was not of the last women whom an honorable man could wish to see associated with his wife; or set an example to his daughter. She was wholly unfit to hold the situation of queen (hear, hear). There was, however, a mode of dealing with the conduct of the queen, without having recourse to a bill of pains and Penalties—he meant by an address to the crown—by restricting majesty in the exercise of her powers—by limiting her income, and thereby reduce her to a private station. Her princesses, it was said, were married to persons inferior to them: what a difference in the situation of Essex and a menial servant!

above, through certain strainers well retained, corrects the sense and charms all human kind;"

but where were the strainers in the case of the queen? The conduct of the queen excited his unutterable disgust—and he would state it—it was in view infamous and base. Under the circumstances, however, he thought that parliament should not act a measure contrary to the general feeling of the country. How long was the question to be before the country? How long was the public business to be neglected, the functions of government suspended, the public mind agitated, the basest passions allowed to gather strength? To put an end to these things—and on the ground of the extreme inexpediency of a bill of Pains and Penalties, he should vote against the bill being now read a second time. (hear, hear.)

At the conclusion of the noble lord's speech, some confusion prevailed in the house and below the bar, when the duke of Clarence, leaning forward from the gallery, and significantly pointing with his finger, called out in a tone of emphasis and command, "order, order the bar."

Lord ASHBURTON, from the gallery at the opposition side of the house, pressed their lordships against the bar. Let the evidence be what it might, they were about to grant an *ex post*

facto law, which, in itself, was a most objectionable proceeding. Technically, the bill was introduced to deprive the queen of her rights and privileges; practically, it was for her exertion of a natural right—coming to the shore of Great Britain. Besides, the bill affected interests which ought to be held as sacred as those of the king himself—he meant the rights of those who were now nearest the throne. It would throw these illustrious persons farther from the crown. Exclusive of these strong objections, he considered the bill generally to be pregnant with the worst consequences, and he should therefore oppose it. One word with regard to the elevation of Bergami. Surely their lordships could not forget the elevation of Bonaparte, and (as we understood) the pope?

Lord ERSKINE (standing at the ministerial side of the table) said, their lordships should make a great difference between action and intention, and in summing up as judges should lean to the side of mercy. He should consider himself as addressing a jury in the capacity of a judge, and standing in that situation he should first point out to them the impropriety of forcing into the jury box persons who had acted in the capacity of grand jurors. He should then, after laying down before them the rules of evidence, and urging the necessity of their taking the whole demeanour of the witnesses into their consideration when they came to consider of their verdict; point out to their minds the tainted manner in which the witnesses came into court—the existence of a general conspiracy, so far as it could be collected, from the prosecutor's objection to the production of witnesses who could prove it. All this, he should tell them, had a most suspicious appearance. He would, then, lay before the jury the evidence in the case—first, the alleged commission of the act of adultery at Naples, upon the testimony of De Mont, whom he was sorry to hear his noble friend say he thought continued to be good evidence. In his (Lord Erskine's) judgment, her testimony was wholly and completely demolished. The noble lord then related the particulars of a case in which he was counsel, respecting the probate of a will, in which a Mr. Underwood was a party, and showed from it that a witness contra-

diction herself, step by step, as De Mont did, could not be considered by a judge summing up to a jury as in the slightest degree credible. Disposing, therefore, of De Mont, he should point out to the other witnesses who received, and were to receive, exorbitant remuneration, the bias which attached to their conduct, and which ought to be scrutinized. When they saw how incredible De Mont, Majocchi, and Sacchi had been made, what security had they for the truth of any thing which seemed plausible in the other witnesses. But it appears that the queen might have called witnesses to repel these statements. They had no right to argue upon what might have been proved, but on what had been deposed to; as well, or indeed much better, might the counsel for the prosecution have been expected to call colonel Brown or Mr. Powell, or Vilmacarti to prove the manner in which the witnesses had been obtained for this bill. Why not, as would be done in the courts below, shew their original depositions and compare them with their statements in court. He could not help smiling at the noble earl this morning when he talked of the refusal of captain Pechell to sit at table with Bergami, and that her royal highness, if innocent, ought to have remonstrated with the government at home, as she might have done. She remonstrated! Unhappy woman! persecuted and conspired against in every corner of the world where she took up her residence, her remonstrance, if she venture home, would have little avail.

Lord De DUNSTANVILLE, in a speech of considerable length, declared that he should vote in favor of the bill.

Lord MANNERS considered the preamble of the bill to have been sufficiently proved. He thought the guilt of the queen was manifest, and that she had disqualified herself from ever sitting on the throne of these realms. He should vote for the second reading of the bill and for carrying it through the other stages.

The Duke of NEWCASTLE arose, amidst loud cries for the Marquis of Lansdown. He had been present during the whole case for the prosecution; but, from circumstances of a domestic nature, he had been absent during the defence. Still, from all he had heard and had been able to collect, he was satisfied that the crime of

adultery, on the part of the queen, had been clearly and indisputably proved, and proved also under circumstances of the most disgusting and degrading character. With these feelings he should vote not only for the second reading of the bill, but for inflicting on the queen the full penalties which it enacted.

The Marquis of LANSDOWN was glad and sorry the noble duke had had an opportunity of addressing the house. Glad, because he was enabled to explain his reasons for the vote he should give; and sorry that he had heard those reasons stated. The noble duke said that he had been present during the evidence for the prosecution in this case, but that from domestic reasons, from circumstances of his own convenience, he had been absent during the defence. He had not heard the arguments or the testimony given in favor of the queen, and yet the noble duke, so ignorant of the full bearings of this case, said he was prepared to vote, not only for the second reading of this bill, but for the full penalties against the queen (hear, hear). He had no doubt that the noble duke had formed this judgment conscientiously; but how, he apprehended, the noble duke would find it difficult to explain (hear, hear, hear). How, he would ask, could the noble duke, as a juror, come to such a conclusion? (loud and reiterated cheers). The constitution of the country, as it applied to the sacred sanction of trial by jury, was only good, because it compelled the jurors to listen to the whole case (hear, hear). It was but a short time before they were told that the public were incompetent to form a judgment upon this question, because they were not present at the proceedings; then how, he would ask, was the noble duke, according to this doctrine, to be considered as a competent judge of the question; or how was he as a juror to form such a judgment (cheers). Had he not, by his absence, disqualified himself from coming to the vote which they would be called upon to give that night? (hear, hear). He spoke warmly, but he felt warmly, and sitting as a fellow juror, he could not refrain from advertising to this subject. The noble marquis then proceeded to comment upon the case generally, and to state his reasons for voting against the bill. Before he had come to a conclusion.

The Lord CHANCELLOR intimated the inconvenience of coming to a vote that night, as many noble lords, he knew, were desirous of delivering their sentiments on this important subject.

The court adjourned at half past four.

MONDAY, Nov. 6.

The marquis of LANSDOWN resumed the speech in making which he was interrupted by the adjournment on Saturday. He wished now to call their attention to what was stated in evidence to have occurred at Aum. How could noble lords opposite profess their readiness to disown from their minds the evidence of De Mont and Majocchi—the only evidence upon which the criminal case was founded (hear). How could they adhere to the Aum case, and yet abandon the testimony which alone had reference to it. With regard to the allegations at Carlsruhe, he confessed, that considering the circumstances under which Kress was compelled to give her testimony—considering that the same power by which she was so compelled to come, had compelled the only witness who was likely to contradict her to stay away—considering these circumstances, he felt himself called upon to dismiss her testimony altogether from the case. Besides, in the present unsifted state of her testimony, it was not clear but that she herself was deceived, and that the countess Oldi was the person whom she mistook for the princess of Wales. The noble earl opposite also said, that Kress had come voluntarily forward—he even accredited her evidence on that assumption; but the evidence of Kress herself was the best refutation of such a statement. The noble Earl (Liverpool) in announcing himself and his colleagues as prosecutors, stated in the face of their lordships, that he wished only the elucidation of the truth; but was the best way to come at the truth to suppress those witnesses, who from their knowledge of particular facts, would have been the best possible witnesses? Dr. Holland was at Naples with her majesty; he was above all suspicion: why was he not called on the part of the prosecution? Why was not Anne Peirsings called, the person who had the care of the linen—the person who usually made the beds at Naples? If adultery were there committed—and

there the first ground of offence was laid—Anne Peirsings would have been the best possible evidence to prove it if it had occurred? Why was not Credi, Manrice Credi produced, who had lived, and long, in the service of her royal highness; who could prove the bribery by Ompteda, and the attempts to pick the locks of his illustrious mistress. If the truth alone were the noble earl's object, why were not these witnesses called forward? The conduct of her majesty at Naples was left pure and untouched. The charge against her majesty was adultery, and not levity; and if he were called upon to pronounce a verdict on the latter, it would be guilty. But then their lordships should recollect the very peculiar situation of the princess of Wales. He did not wish to enter into those causes that reduced her royal highness to the exposure necessarily resulting from her being obliged to act a solitary part for such a series of years. But it could not be denied that she was refused—that she was denied those supports and guides, which were the best safeguards for circumspection of behaviour (Hear, hear, hear.) They should recollect they were now passing a law, and not a sentence; that they were not now the administrators of the law of the land; but enacting a punishment, on which the public would form their own estimate. That public opinion already said, the bill before their lordships would be the most violent application of a most violent measure, and on a bare presumption; that because five years ago, the princess of Wales and her chamberlain were placed in a situation in which adultery might be committed, that it therefore actually took place. But her majesty was not now prosecuted for adultery, but for the public scandal which her conduct gave all Europe, and particularly gave Great Britain. Public scandal to this country! In the eyes of whom? Public scandal—where, and to whom? On board a police, and before Gargino and Paturno! These men were, forsooth, the representatives of Great Britain and all Europe; these were the men to justify the promulgation of the bill; and yet when their lordships examined in whose eyes such great scandal and public degradation to England and to Europe were proved—they could only find the eyes of Gargino and Paturno! How did it happen, however, that these men never told those stories until they

were rammed out by the Milan commission? He entreated the house, while they had yet time to reflect, to pause before they gave their assent to a measure, the existence of which they might hereafter have but too much reason to lament.

The Duke of NORTHUMBERLAND expressed his conscientious conviction that, through a long course of time, a most gross and indecent familiarity, and an adulterous intercourse had taken place between her royal highness the Princess of Wales and her servant Bergami. With this impression on his mind, he, for one, could not consent that such a person should continue to claim that respect which was due to the queen consort of these realms—nor could he think that she was a person who ought to be at the head of the female society in this country. (Hear.) Upon these grounds he confessed he felt no hesitation in giving his vote for this bill.

Lord HOWARD, from the view which he took of the evidence, did not think that the preamble of the bill had been sufficiently sustained. He considered that Majocchi, De Mont, and Rastelli, were not deserving of credit; he considered also, that other witnesses who had been called were not entitled to the fullest confidence. With these impressions, combined with the fact of Rastelli having been sent out of the country by Mr. Powell—with Kress having been compelled to come over here to give evidence, while the baron d'Ende was not compelled to come—that such a taint had been thrown upon the whole case, as to render it obnoxious and unsatisfactory to the population of the country (hear, hear). He could not give his assent to this bill unless the charges contained in the preamble were indisputably proved.

The Earl of INNISKILLEN considered the evidence comprised such a mass of contradiction, and was so suspicious, that he could not possibly convict any person upon it. He should therefore vote against the second reading of the bill (hear, hear).

Lord CALTHORPE could never give his sanction to such a measure, nor would he vote for its proceeding a step further towards its completion. With his strong feeling against the bill, his feelings were no less strong as to the

conduct of the queen. It was of a most shameful and disgraceful nature. The laws of God, the interests of morals and of society, forced them to call such acts by execrating names. He felt, therefore, that, upon this occasion, the house was placed in a painful dilemma. As the supreme guardians of public morals, he must regret that there was no other alternative proposed to them than that of acquittal or supporting this most objectionable measure. What had been proved against her majesty was of an offensive and degrading kind, and it was highly desirable that some other mode should be proposed by which an opinion might be pronounced upon it. It would be highly injurious to public morals if they expressed no opinion on the gross licentiousness that had been proved against the queen.

The Marquis of STAFFORD opposed the bill.

Lord DE CLIFFORD thought the evidence proved that a shameful familiarity existed between her majesty and a person of low condition. At the same time that he admitted this, he could not forget the state of long separation in which her majesty had lived from her husband, and that if she had been in a different situation, there would be no cause for this painful inquiry. On these grounds he would oppose the second reading.

Lord GRANTHAM anticipated so many difficulties in the progress of the bill through this and the other House of Parliament, that it was impossible for human foresight to provide against them: he thought it, therefore, better that the bill should not pass at all. He was aware that, by throwing it out, they would afford a triumph to a mischievous party in the country, who were equally indifferent about king or queen. This might be the case: but the triumph would be only temporary. The good sense and sound feeling of the country would at last form a right judgment of the business. If this was a case of impeachment, he should know how to make up his mind on it. Though there were many contradictions in the evidence, it could not be denied that it left a heavy weight of suspicion upon her majesty. Many of the witnesses were overthrown, but there were also many whose testimony remained in full force. Though

would say Not Content to this bill, he could not put his hand on his heart, and say not guilty.

The Earl of BLESSINGTON opposed the bill, and pointed out some contradictions in the evidence with respect to what occurred on board the *peacca*.

Lord ROSPORT also opposed the bill. The evidence ought to be such as left no doubt on the mind. This, he must say, was not the case. He could not see how the bill could pass either with or without the divorce clause.

The Duke of ATHOL briefly supported the bill.

The Duke of SOMERSET considered it unjust, and therefore opposed it.

Lord GRENVILLE, in a speech of considerable length, supported the bill. He had given the subject the best consideration in his power, and upon a careful examination of the evidence, he could not do otherwise than support the question, that the bill be then read a second time. No one, he thought, could vote for the second reading of the bill without having a full judicial presumption of her majesty's guilt (hear.) He regretted that he himself felt so, and he must therefore voice for the second reading of the bill, reserving to himself, however, to alter his opinion in the case, either with respect to the divorce clause, which, as it now stood, he thought a necessary part of the bill.

Earl ROSSLYN said, even though their lordships had had many circumstances proved which led to suspicion, yet as they did not go to one direct fact, but were spread all over the evidence, he thought they could have but very little weight with any honest or candid mind. It was proved beyond a doubt, that many of the witnesses were corrupted by the agents of the Milan Commission, and he was therefore at a loss to see how accumulative falsehoods could lead to a fair presumption of guilt.

At the conclusion of the Earl of Rosslyn's speech, at three o'clock, there were loud cries of "Question," and strangers were ordered to withdraw.

THE DIVISION.

The LORD CHANCELLOR having called upon each peer, he rose in his

place, and said, *Content, or Not content?*

The result was,

Content.....	123
Non-contents	95

Majority for the second reading, 28

Adjourned till to-morrow at ten o'clock.

LIST OF PEERS

who voted for and against the second reading of the Degradation & Divorce Bill.

FOR THE SECOND READING.

DUKES of York, Clarence, Beaufort, Rutland, Newcastle, Northumberland, Wellington, Athol, and Montrose.

MARQUISES Conyngham, Anglesea, Camden, Northampton, Exeter, Bedford, Thromond, Cornwallis, Buckingham, Lothian, Queensberry, Winchester.

EARLS Harcourt, Brooke and Warwick, Portsmouth, Pomfret, Maccherfield, Aylesford, Balcarras, Hume, Coventry, Rochford, Abingdon, Shaftesbury, Cardigan, Winchelsea, Stamford, Bridgewater, Huntingdon, Westmorland, Warronby, St. Germaine, Brownlow, Whitworth, Verulam, Cathcart, Mulgrave, Lonsdale, Orford, Manvers, Rosse, Nelson, Powis, Limerick, Donoughmore, Belmore, Mayo, Lonsford, Mount Cashel, Kingston, Liverpool, Digby, Mount Edgercombe, Abergavenny, Aylesbury, Bathurst, Chatham.

VISCOUNTS Exmouth, Lake, Sidmouth, Melville, Curzon, Sydney, Falmonth, and Hereford.

BARONS Somers, Rodney, Middleton, Napier, Colville, Gray, Salton, Forbes, Prudhoe, Harris, Ross, or Glasgow, Meldrum, Hill, Combermere, Hopetoun, Gambier, Manners, Ailsa, Lauderdale, Sheffield, Redesdale, St. Helens, Northwick, Bolton, Eldon, Bayning, Carrington, De Dunsterville, Brodrick, Stewart of Garlies, Stewart of Castle Stewart, Douglas, Morton, Grenville, Suffolk, Montagu, Gordon (Huntley), and Salterford.

ARCHBISHOPS Canterbury and Tuam.

BISHOPS London, St. Asaph, Worcester, St. David's, Ely, Chester, Peterborough, Llandaff, Cork and Ross, and Gloucester.

AGAINST THE SECOND READING.

DUKES of Gloucester, Somerset, &c.

milton, Argyll, Leitster, Grafton, Portland, Devonshire, Bedford, Richmond, (St. Albans, absent from illness).

MARQUISSES Bath, Stafford, and Lansdown.

EARLS De Lawarr, Ilchester, Darlington, Egremont, Fitzwilliam, Stanhope, Cowper, Dartmouth, Oxford, Roseberry, Jersey, Albemarle, Plymouth, Essex, Thanet, Denbigh, Suffolk, Pembroke, Derby, Blesington, Morley, Minto, Harewood, Grey, Gosford, Romney, Rosslyn, Caledon, Enniskillen, Farinham, Carrick, Carnarvon, Mansfield, Fortescue, Grosvenor, Hillsborough (Marquis of Downshire).

VISCOUNTS Granville, Anson, Dauncy, Hood, Torrington, Bolingbroke.

BARONS Ashburton, Bagot, Walsingham, Dynevor, Foley, Hawke, Ducie, Holland, Grantham, Klug, Belhaven, Clifton (Darnley), Say and Sele, Howard of Effingham, De la Zouch, Clinton, Dacre, Audley, De Clifford, Breadalbane, Erskine, Arden, Ellenborough, Alvanley, Loftus (M. Ely), Fitzgibbon, Calthorpe, Dawnay, Yarborough, Dundas, Selsby, Mendip, Auckland, Gage, Fisherwick (M. Donnell), Amherst, Kenyon, Sherborne and Berwick.

ARCHBISHOP of York.

TUESDAY, November 7.

PROTEST FROM HER MAJESTY.

We believe the order of the day was about to be read, when

Lord D'ACRE rose, and stated, that since he had come into the house this morning, a protest, with respect to its proceedings, on the part of her majesty the queen, had been unexpectedly put into his hands to be presented. It might, perhaps, surprise their lordships that such a paper should have been placed in his hands, as he had taken no part in the proceedings on this important case; and he ought to apologise to their lordships for not having at an earlier stage expressed his opinion of it. His objection to bills of Pains and Penalties for the punishment of moral turpitude, long since committed, was so invincibly strong, that he never felt the least hesitation in declaring it. He hoped that the protest which had been placed in his hands would be liberally heard by the house; but whatever were his sentiments on the proceeding in general, he must object to the practice of judges, jury,

and prosecutors, all voting in this against the queen. With respect to the protest now entrusted to him would acknowledge that there was precedent for receiving it; but the country would form their opinion of the conduct of the house, and the queen ought never to interrupt an equitable course of justice and of law. He had scarcely had time to read the protest of the queen, but it appeared that in the face of her faith to the house, and the country, she solemnly protested against the proceedings in that house, as contrary to the constitution, to the spirit of the law, and the principles of common justice. The noble lord concluded with her majesty's protest, which was contained in the following terms:

PROTEST.

"CAROLINE REGINA.

"TO THE LORDS SPIRITUAL AND TEMPORAL, IN PARLIAMENT ASSEMBLED.

"The queen has learnt the decision of the lords upon the bill now before them. In the face of Parliament, her family, and of her country she does solemnly protest against it.

"Those who avowed themselves prosecutors have presumed to pronounce judgment on the question between the queen and themselves.

"Peers have given their votes against her who had heard the whole evidence for the charge, and absented themselves during her defence.

"Others have come to the decision from the Secret Committee, without being biassed by a mass of slander, and her enemies have not dared to speak forward in the light.

"The queen does not avail herself of her right to appear before the committee, for to her the details of the measure must be a matter of interference; and unless the course of unexampled proceedings should be taken before the other branch of the Legislature, she will make no reference whatever to the treatment experienced by her during the last twenty years.

"She now most deliberately, before God, asserts, that she is wholly innocent of the crime laid to her charge, and she awaits with unabated confidence the final result of this unparalleled investigation.

(Signed) **"CAROLINE REGINA**
The **LORD CHANCELLOR**,
he humbly conceived, that, after

second reading of the bill, according to the practice of their lordships, the accused might be personally heard against it. It was, therefore, for their lordships to consider if they would receive the protest, as in the case of Bishop Atterbury and some others. It certainly might be received as an address to the house, by the party who was supposed to be aggrieved in the event of passing the bill; but as a protest, he was apprehensive it could not be received by the house, consistently with their established forms.

Lord DACRE was aware of the difficulty that had been stated by the noble and learned lord, but he hoped that their lordships would not press upon her majesty the necessity of appearing in person, for the purpose of presenting her protest to the house. If this course were insisted on, he must confess that he entertained but little hope of the result, when he considered how imperfectly her majesty would be able to address them in a language not familiar to her, owing to circumstances which their lordships could appreciate, and which left her little or rather no prospect of succeeding in such a case. He trusted that her majesty's rank and situation would so far influence their lordships at this crisis, as to induce them to receive her sentiments in some other form. If, indeed, it could be received as an address, rather than a protest, he had no objection to offer it under that form.

The Earl of LIVERPOOL had no desire to resist the reception of the protest, if offered to their lordships in another form. He conceived the most convenient way was, that if the paper were received by the house, it should be entered on their lordships' journals, that it had been received as an address only, and as containing what her majesty would have offered to the house, if she had been personally there.

The LORD CHANCELLOR said, he should not have discharged his duty if he had not given due notice to the house that her majesty's protest could not be received as such. He wished to make no observations on the contents of the paper which was now tendered by the noble lord; but he certainly was at a loss to know on what principle the writer had felt authorised to make observations on what passed at their bar, the conduct of the house in general, and also that of individual

peers. But if their lordships chose to receive it as an address, he left it entirely to them, and they were at liberty to take it.

The Earl of LAUDERDALE was of opinion that the paper might be received as the address of her majesty, and be recorded as such on the journals of the house, but nothing ought to be added to it.

The Duke of NEWCASTLE, who conceived he had been attacked by the protest of her majesty, wished to say, that, from the very origin of this proceeding, he supposed, if any peer were by accident or casualty at all deprived of the ability of attending on any occasion, he was not, nevertheless, to be prevented from giving his vote. He had enjoyed full opportunities of reading the evidence as published by authority of the house, on which, after all, the decision of the noble lords could alone be formed, and that evidence, he could safely say, he had intensely studied. No slander, therefore, could compel him to surrender his right as a peer of Parliament, while giving his vote conscientiously, as he had done on the present occasion. He declared, in conclusion, that he was determined fearlessly to pursue his duty, without regard to aspersions of any kind, either there or elsewhere.

Lord SOMERS said, that owing, as their lordships knew, to a severe indisposition which confined him to his bed, he was unable to attend to some part of their proceedings. He had, however, paid great attention to every other part of the evidence; for he happened to be seated near the bar, and heard every thing that passed there; and he had since not only read, but digested the whole of the case with all the carefulness and judgment that it required. His firm persuasion was, that the queen was guilty of the substantial parts of the charges against her.

Lord SHEFFIELD regretted that he had been absent during any part of the proceedings; but justified his voting on the ground of that absence having been occasioned by illness.

The Earl of CARNARVON spoke at considerable length, urging that the protest of her majesty was in all respects well founded. Its contents as to matter of fact were strictly true, and, in his opinion, it ought to appear on their journals.

The LORD CHANCELLOR argued in favour of the course which the house had taken throughout the whole of this important case. His lordship then moved, that the protest should be entered on the journals, accompanied with the following resolution:—The resolution, proposed by the Lord Chancellor, "That the house, notwithstanding the exceptionable matter in some parts of the paper, did, nevertheless, under all the circumstances of the case, consent to its reception, as a representation of what her majesty had further to state to the house in that stage of the proceeding," was then read.

The Earl of LAUDERDALE suggested, that the word justly should be inserted in the resolution before the word exceptionable. He thought that such an alteration was necessary to preserve the honour and dignity of the house.

After some observations from Earl GREY, who considered the exception in her majesty's protest extremely just; and from Lord REDESDALE, who thought the allusions to the Secret Committee false and scandalous,

The resolution, proposed by the Lord Chancellor, with the insertion of the word "justly," was agreed to.

THE COMMITTEE ON THE BILL.

On the order of the day for going into the committee being read,

Earl DARNLEY felt it his duty, most solemnly to protest, in this as in every other stage of this bill, against its further progress. He then congratulated the house upon the division of the preceding day, as the country would, from the noble lords who formed the majority, be able to appreciate the real character of the queen's opponents. He would say, that, according to his view of human nature; it was utterly impossible that any person who had been placed in the situation in which some of their lordships had stood, could withstand the infirmities to which all were subject. Yet a large proportion of the majority had consisted of the accusers themselves—a great proportion consisted of persons who were in the habit of receiving favors from the crown, and he would state one fact which appeared to him a material one, namely, that ten of the junior barons had voted for the bill, whilst the eighteen senior barons had voted against it. From this fact he

the only alterations he deemed necessary could only draw one inference, and that was, that it had not been owing to any individual infirmity, peculiar to themselves, but owing to that irresistible bias arising from circumstances, which whilst human nature remained what it was, ought always to disqualify persons in such a situation from becoming judges.

On the motion of the Earl of LIVERPOOL the house resolved into a committee.

The Earl of Liverpool then rose, and referred to the alteration which it might now be necessary to make in the preamble. Many changes might be introduced. The preamble might be so altered as materially to alter all the enactments, and the question, therefore, now was, how far the preamble of the bill had been proved. He would now read the preamble, and state such alterations as he deemed necessary; the first was, the name of the individual who was so conspicuous in these proceedings, which he wished to be altered to "*Bartolomeo Bergami*," instead of *Bartholomew Pergami*. He would also move, in allusion to the many favours alleged to be conferred by her majesty on him and his family, that the words of the preamble, charging the queen with having "obtained for him orders of knighthood and titles of honor," should be struck out—not that he had any doubt of the fact, but it had not been proved in evidence. This, he wished it to be understood, was not through any prudential consideration. He would now come to a most material part of the preamble, which stated, that "while her royal highness had the said *Bartolomeo Bergami* in her service, she, unmindful of her exalted birth and station, and regardless of her own honor, conducted herself towards *Bergami*, in the various places and countries where her royal highness visited, with indecent and offensive familiarity and freedom." He would stop here and say, the charge was perfect without the monosyllable "the," as now prefixed to "various places." If "the" remained, it would seem to imply, that such familiarities and freedom had taken place in all of such places, which was not the fact. He would move, that the word "the" should be struck out, and that it should stand, "in various places and countries." These were

sary, and he would afterwards have occasion to state, that the preamble had been fully proved.

The Earl of SHAFTESBURY read the amended preamble, and inquired if any other noble lord had any alteration to suggest in the preamble?

The motion being made by the earl of LIVERPOOL, that the name of Bergami should stand as "Bartolomeo Bergami," without the addition of the *alias* "Pergami," it was carried without any dissent.

He then moved the erasure from the preamble of "her majesty having procured for him orders of knighthood and titles of honour."

Lord ERSKINE said, their lordships were, in his opinion, going to strike out the only part of the preamble that was true. He (lord Erskine) did not believe that the degrading intercourse with which the queen had been charged had been proved.

After some observations from lord GRENVILLE, lord ELLENBOROUGH, and lord LIVERPOOL, the words proposed were expunged.

The Earl of LIVERPOOL said, their attention was now to be directed to a very material allegation, he meant that which pointed to those parts of the evidence establishing the fact of the queen having indulged in indecent and offensive familiarity and freedom with Bergami, in different places which they visited. The noble earl then recapitulated those facts which had been proved at their lordships' bar, which warranted this part of the preamble.

A short discussion followed, which ended in the motion that this part of the preamble should remain as in the original bill.

The Earl of CARNARVON proposed that, after the words, "her royal highness's residence abroad," the following should be inserted: "and subsequently to her return refused 80,000*l.* of the public money, and the proffered homage of both houses of Parliament."

The Earl of DONOUGHMORE suggested that the amendment might be proposed more conveniently in a subsequent stage of the bill.

After a few words from Lord ELLENBOROUGH, the amendment was withdrawn, and the words agreed to as they originally stood.

The Chairman having come to the concluding enactment of the bill, "and

moreover that the marriage between his majesty and the said queen, Caroline Amelia Elizabeth, be, and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever,"

The Archbishop of YORK rose to oppose the clause. On the principle of fair and impartial justice, he thought it could not be allowed to remain in the bill. He did not mean to argue the question on grounds of expediency, for in the Bible he found no mention of such a thing as religious expediency to justify such a proceeding. Marriage was not merely a civil contract, but a solemn ordinance of religion, and upon this question, he could look only to the word of God, as the guide of his conduct. Looking to this alone as his guide, he could not consent to have the divorce clause retained. If, however, this clause was expunged, and the other enactments of the bill agreed to, their lordships would exhibit to the world the extraordinary and monstrous spectacle of a degraded queen still continuing the spouse of the sovereign. From this dilemma he saw no way of escape but by rejecting the bill altogether. In voting against the second reading yesterday, he had this very difficulty in contemplation. On the evidence itself he had no hesitation in making up his mind; and, though as a legislator he would say non-content to the bill, if called upon as a judge to deliver his sentiments, he must say, guilty. In his view of the case it would have been much better had the bill never been introduced. It was lamentable to reflect how deeply the interests of morality must have been injured by the emanation from their lordships' bar of such evidence as had come out in the course of this inquiry, by the introduction into every family, of such odious and disgusting details. The interests of morality and religion must be still more vitally injured by persevering in a measure which was derogatory to the honour and dignity of the crown, and injurious to the best interests of the people, which gave the utmost pain to every good man, and tended most effectually to forward the views of a party whose object was to vilify the constituted authorities, and to bring into disgrace all that was most sacred and venerable in the laws and constitution of the country. When it first came

his knowledge that such a measure was in contemplation he deprecated it, and he prayed God that they might not have cause for the rest of their lives to regret that it was ever proposed.

The Bishop of CHESTER said, that having no doubt that the crime of adultery had been proved against her majesty, he voted yesterday for the second reading of the bill. This vote, however, he gave on an understanding that the divorce clause was not to continue in it. Though convinced that an adulterous intercourse had taken place with Bergami, he should not have supported the second reading, but under an idea that this clause would be expunged.

The Archbishop of CANTERBURY felt it necessary, after what had fallen from the Right Rev. and Most Rev. Prelates who spoke last, to state the grounds of the vote he should give in favour of the clause. It was said that marriage was a solemn ordinance of religion, not merely a civil contract, and that, consistently with the principles of the Christian Religion, the clause of divorce could not be agreed to in this bill. The question, therefore was, whether divorces *a vinculo matrimonii*, for the cause of adultery were consistent with the law of God? and this question, he thought, must be answered in the affirmative. He rested his opinion on grave authorities, antecedent and subsequent to the Reformation; such divorces were consistent with the word of God, and were not contravened by the tenor or the constitutions of the Established Church, or of the Common Law. Marriage being the foundation of society, it was therefore an anxious and important object with every country to prevent its dissolution as much as possible; but, as well before as after the Reformation, divorces were allowed in cases of adultery. In the Mosaic law they were permitted, as well for general as for special causes. Our Saviour altered the Mosaic Law in this respect, by declaring, that where a dissolution of marriage took place for any other cause except that of adultery, he who thus put away his wife, caused her to commit adultery. The passage, with the exception, was found in Matthew, but not in Mark or Luke. They gave the general rule without the exception. In the Scriptures, therefore, there was no authority for divorce, at least in cases

of adultery. Their marriage laws were founded on the Scriptures, leaving adultery, however, to special provisions. In this case the charge of adultery had been inquired into, and, in his opinion, fully established. This being his idea, he saw no objection of a religious nature to the clause. It was in a religious point of view he considered it, and not thinking it inconsistent with the doctrines of Christianity, as acted upon both before and after the Reformation, he would therefore support the clause.

The Bishop of WINCHESTER opposed the clause. He spoke in so low a tone of voice as to be quite inaudible below the bar.

The Bishop of LANDAFF said, that he had heard the evidence and examined well the Law of Divorce, and he could not help saying, that he saw no objection to the clause, for it was consistent with the Ecclesiastical Law, and with the holy Scriptures. The violation of the marriage vow on the part of the husband did not alter the circumstances against the wife, for there was no qualification in the Scripture in favor of the wife because the husband had acted improperly.

The Bishop of LONDON said, he would state his opinion shortly upon the subject, after having given it the most anxious attention in his power. He could not entirely subscribe to the sentiments of the right reverend prelate who spoke last. There was a great constitutional principle involved in this case. It was said by an able writer, that the king could do no wrong—that he could not be guilty of a folly, much less a crime. This principle, if carried to the full length, would seem to remove all ground for recrimination, all inquiry into the conduct of his majesty in his conjugal relations. He did not however, mean to argue it on such a principle. He saw no reason why the clause of divorce should not remain. There were many instances of bills of divorce having passed that house, though the conduct of the husband was notoriously reprehensible. The essential point was the proof of adultery, which he considered to be established in the present instance, and therefore in a moral, constitutional, and religious point of view, he felt it his duty to support the clause.

The Earl of LAUDERDALE said, that when princes contracted marriage,

they were bound, like others, to observe the conditions of the contract, both civil and religious, and the same relief was open to them as to others, in the event of misconduct on either side. Her majesty, however, stood in a situation, as the wife of the king, very different to other married women. There were many important rights conferred on her—many high privileges. Their lordships now thought her incapable of holding them, and the object of the bill was to place her in such a situation that she could no longer exercise them. Further he would not go. To allow the divorce clause to remain would be equivalent to saying, that there was to be one law for the king and another for the people. As to the principle laid down by the reverend prelate who spoke last, that the king could do no wrong, it did not apply in this case. That house required, that when a husband came there for relief by a bill of divorce, he should be able to shew that he was not accessory to the guilt of his wife. Though adultery was not a crime at Common Law, it was held to be a crime in the Ecclesiastical Courts. According to the Civil Law, it was a *peccatum*, not a crime. He would fairly own that he at first considered that the clause must be a natural consequence; he had since altered his opinion.

The Earl of DARNLEY said, he did not feel perfectly satisfied with the reasons assigned by the right reverend metropolitan, who had argued, that by the law contained in the holy Scriptures, a man might put away his wife. One difficulty arose in his mind, and if the right reverend prelate referred to these writings, he would find this text—"Whosoever putteth away his wife, excepting for fornication, forceth her to commit adultery." Now he would put the question to the right reverend prelate, regardless of the consequences, whether the woman who had been defended at their lordships' bar had not been put away by her husband; and if so, whether he did or did not believe that he had caused her to commit adultery; and whether, if he had so put her away, without having committed fornication, he could or could not come to that house for a divorce, and whether they could or could not grant it. It appeared to him that they could not. He would repeat what he had before observed, that the bill could not pass either with the divorce clause or without it.

The Bishop of LONDON explained. He remembered that the text to which the noble lord had alluded, had always been considered as applying to the law of Moses. There was a custom among the Israelites, by which a man gave a written bill of divorce to his wife; now, unless the woman had been previously guilty of fornication, the man was not released from the moral obligation of his marriage vow, nor could he marry again. This was the interpretation that was put upon the text by all the commentators who had written upon the subject.

The Earl of DONOUGHMORE was much surprised at the reason that had been assigned by his noble friend (Lauderdale) for resisting the clause for divorce, after the almost unanimous opinion that had been delivered upon that point by the right reverend bench of prelates, although he must allow, that the explicit and plain reasons that had been given by the right reverend prelate (York) against the clause, were such as must entitle him to the veneration and respect of their lordships. He concluded by stating that he considered it a measure of state necessity, and that it ought to pass altogether.

Lord HARROWBY said, that without the slightest reference to the parties, he did not think the circumstances were such as to justify the clause of divorce, neither by the laws of God, nor by those which were usually acted upon in that house. There might, upon some occasions, be a state necessity that might render the clause of divorce indispensable, as, for instance, the securing the legitimate succession to the crown; but as he did not feel that such a necessity existed in the present case, he could not be justified in voting for it.

Earl FITZWILLIAM then addressed the house at some length, but his speech was wholly inaudible below the bar; we understood his lordship spoke against the clause, and considered it an unnecessary interference between man and wife, when neither of the parties claimed it.

Lord LIVERPOOL had distinctly stated in an earlier part of their proceedings, that if, after mature deliberation, their lordships should be of opinion that substantial justice did not require the clause for divorce, he should not press it; he had also, in

another stage of the proceedings, expressly declared, that so far from wishing this clause to pass, as a matter of personal convenience to the king, he was prepared, if such should appear to be the opinion of the house, to withdraw the clause altogether. Having said thus much, he now came to the question immediately before their lordships. He (lord Liverpool) did not say the present bill should be considered in the light of a bill of divorce, and it appeared to him a general mistake prevailed both as to the effect and principle of the present bill. He had stated it as a public measure, and not a measure of private relief. In the case of the present illustrious parties it could not be considered a measure of private relief; and even in the strongest case, where the line of succession might be endangered—even in the case of a young king having a young wife—even in that case their lordships could not treat it as a matter of private relief. The present, he contended, was a public measure, brought in and supported on public principles. With respect to the sovereign, he never came for a divorce; he was not as king, a party to the divorce. With respect also to recrimination; the king could be made amenable for his conduct; and then would it be said, that under no circumstances could a king ask for a divorce? We know, said his lordship, that a separation has now existed between his majesty and the queen for a period of four and twenty years. We know that this separation was in a great degree sanctioned by the late king, and afterwards confirmed by an Act of Parliament. We thus know a separation has taken place, and under such circumstances it now appears whether your lordships ought to go further, whether you ought to go to the total dissolution of the marriage? I do not myself feel those doubts, but I cannot avoid allowing their full weight to those doubts. And I do say when a strong religious feeling is against the divorce, and no great public necessity presses its adoption, that it is better in such circumstances to yield. He himself felt no objection to the divorce clause; but if it were struck out, it would be necessary to adopt a clause confirming the separation. That clause would be quite distinct from a divorce clause, and should be inserted in the bill, in

order to prevent those inconveniences which might otherwise arise.

The LORD CHANCELLOR spoke at considerable length on the question as it affected the divorce between the royal parties. It was a question of considerable difficulty, and he reserved his opinion till discussions threw more light on the subject.

The Lord Chancellor moved the adjournment of the house.

The Marquis of LANSDOWN opposed the bill *in toto*, and contended, he was not bound to do any thing in consequence of the division of yesterday.

Lord DUNCAN said that the charge against her majesty was only supported by a foul conspiracy and perjured witnesses, and he would not, therefore, let the assertion go forth to the world, that guilt had been proved to his satisfaction. (Here there were loud cries of "Question!") when a conversation between Lords Grey, Liverpool, and Shaftesbury, took place as to the mode of putting the question for adjournment; and ultimately the house adjourned till to-morrow.

WEDNESDAY, Nov. 8.

DISCUSSION ON THE DIVORCE CLAUSE CONTINUED.

The committee having been resumed,

The archbishop of TUAM rose.—In consequence of the call made, the house was yesterday in a committee. So much had already been said on the 32d verse of the 5th chapter of St. Matthew, that, although his mind had long since been made up to vote against the divorce clause in this bill, he did not think it necessary, in the view he took of the subject, to trouble their lordships with any observations on the application of that text. But if he could show that the illustrious lady whose conduct was now under discussion had been put away by her husband—if he could also show that, among the numerous texts of scripture, there were some which contained solemn denunciations of the Almighty for sanctioning such putting away, he felt that he then should show a safe ground to induce him to vote against that clause, which would have the effect of dissolving the marriage contract in this case. Now, as all this could be shown and proved, it was impossible for him to agree to the clause in question. In the first place, with respect to the putting away, he thought that, in proof

of that fact, he might fairly allude to the letter written by the king soon after his marriage, and which had been given in evidence at the bar. In the second place, in proof of the divine denunciation, he would refer to the second chapter of the book of Malachi the prophet. It would there be found that the Lord had turned away his face from the people; and it was stated by the prophet that their offering was no longer received with good will, because the altar was covered by the tears, and the temple filled with the lamentations, of injured women importuning heaven, and calling down vengeance on those who dealt treacherously with them. The prophet enforces this by reminding those he addresses of the object of the first institution of marriage, and in conclusion says—"For the Lord, the God of Israel, saith, that he hateth putting away." Having stated this, he had now to observe, that he stood before their lordships a most unwilling judge in this case; and he candidly confessed that nothing but force, nothing but the heavy penalty to which he would have exposed himself by his absence, would have induced him to have attended the house during this distressing inquiry. He had been brought there by compulsion. He had been forced away from important duties—duties which no man on earth but himself was entitled to perform, and which had, therefore remained suspended for the last three months. Having been forced to appear daily in that house, he had paid every attention in his power to what had passed before their lordships on both sides of the question—to the able statements made by the counsel in support of the bill—in her majesty's defence—to all the evidence—and to all the eloquent speeches which had been delivered on the subject by noble lords in that house. He had attended during every day, every hour, nay, he might say, every minute of the proceedings. He had voted for the second reading of the bill, because there was then no other question before the house, and no other way in which he could act conformably to the opinion he had formed, which was that a satisfactory, an irresistible case had been made out for the bill. But his conscience never could be reconciled to this divorce clause. He never would agree to vote for it, and therefore hoped it would now be struck out. It would be better to

leave the conduct of the queen untouched, and the question of degradation untouched, than to pass the bill with this clause.

The bishop of PETERBOROUGH observed, that the noble and learned lord on the woolsack had referred to the opinion of the bench of bishops in this clause. It was, however, with much difficulty that he answered the call; and this could not surprise their lordships, as the noble and learned lord himself, whose mind was so comprehensive as to embrace every part of this question, had declared that he felt himself involved in considerable difficulty on this occasion. For his own part, he confessed that he had never, in the whole course of his life, entered with more anxiety on any subject than on the discussion of this divorce clause. It had ever been his anxious desire to see, if possible, whether this divorce clause could not be omitted; it was not upon any doubts he entertained respecting the principle of legislating upon such a clause, for he was firmly persuaded that in cases of adultery the infliction of divorce was consonant both to the laws of God and man. He was, respecting this bill, compelled to acknowledge, though with great pain, that such a crime had in this case been proved against the queen; but, on the other hand, when he looked at all the circumstances connected with the bill before the house, he thought the situation of the parties were in part wholly different from that in those cases where a divorce was ordinarily inflicted for that crime; and it was that difference in the cases which operated upon his mind, and made him most anxious that the divorce clause should not be included in the bill of Pains and Penalties (hear). On the other hand, he must confess he felt at a great loss how the divorce clause could be got rid of, considering the state of the case. He saw, after all the consideration he could give the subject, the many difficulties, to him almost insurmountable, which must attend the omission of the clause in such an enactment. He could not see how the queen could be legally and effectually placed in a state of degradation, and yet at the same time remain the wife of the king. (Hear.) He was unable to comprehend how the clause of deprivation from the title, station, and prerogatives of queen, could be made

consistent in its appearance and effect without the divorce clause. The wife of the king ought to all intents and purposes, be queen-consort; and if to all legal purposes she was to remain the wedded queen, he could not see by what possible enactment the degradation from her public rank could be carried into complete effect. The divorce clause, indeed, made the clause of degradation intelligible; but, without it, he could not see how the bill could be legally operative for the other purpose. (Hear.) He therefore, humbly submitted, that some clause should, if possible, be framed in substitution of the divorce clause, so as to render the bill consistent in its operation. What the consequences would be he was not prepared to say, nor could he devise any measure so as to extricate them from their present difficulty. It was for others to say whether a clause could not be arranged less powerful in its operation than the present, and yet sufficiently strong to give force to the enactment on which the house had decided, and to obviate the difficulties which were felt upon the subject. His objections, he had already stated, were chiefly of a religious nature, and feeling them, he, as well as his right reverend brethren around him, were bound to express them, and act according to their dictates (hear.) Matrimony was not only a religious, but a civil contract—in the latter sense, it led to civil rights. Was it not possible that the latter could be rescinded without affecting the force of the former—that is, that the legal rights appertaining to the civil contract should cease, and the religious branch of the contract, remain unaffected? He was too little acquainted with the common law to solve the difficulty himself, or undertake to propose any specific form of clause adequate for the purpose in view; but if something of the kind were framed, it would remove the difficulty he felt upon the subject. Having now delivered his opinion, he should not detain the house any further than to thank them for their attention, and to apologize for having trespassed upon their patience. (Hear, hear.)

The archbishop of YORK had no desire to convert this chamber into an arena for polemical controversy, but he felt himself called upon to say a few words in explanation of what he

had said on a former occasion. He had never asserted, or meant to assert, that the crime of adultery was not considered in scripture as sufficient ground for the enactment of a divorce, but only that, consistently with his own conclusion from the meaning of the general tenets of scripture, the marriage union must be considered as imposing a reciprocal obligation upon the parties who contracted the marriage. Where that reciprocity was not manifested by the parties themselves in their sense of the obligation they had incurred, he could not consent to a clause of divorce. (hear.)

Lord REDESDALE expressed his opinion in favor of the divorce clause. He agreed that marriage was a civil, and in some sense a religious contract; but it was, more properly speaking, a religious vow rather than a religious contract, and from that vow he was ready to admit no earthly power could give a discharge, except in the case of adultery.

The Lord CHANCELLOR said that he could not express his feelings upon the present painful subject without stating the reasons by which his anxious opinion was influenced. He had stated yesterday that he wished to defer giving his opinion conclusively upon this branch of the subject until he had received all the light which could be let in upon the question; since that period he had endeavoured to obtain whatever information upon the point was within his reach. With respect to the declaration which had been made upon this clause at the beginning of the discussion upon this subject by his noble friend near him (the earl of Liverpool), he begged to be understood as a party to it now, though he had not so expressed himself at the time. His noble friend on the former occasion had said that this clause should not be pressed, if it was found objectionable to the opinion of the religious part of the community. If such were the general impression, he (the Lord Chancellor) thought it advisable that the clause ought not to be pressed against such a feeling, though he himself, for one, thought it would be more wise to retain the clause.

The Marquis of LANSDOWN supported the clause. Nothing could be so anomalous as a woman continuing the wife of the king, and yet not being queen

consort. The legislature never did nor could have contemplated the degradation of the queen, and her still remaining the wife of the king (hear); the connexion, in fact subsisting without promoting or tending to the accomplishment of any of the purposes for which the legislature always regulated the marriage condition of the parties. It was not for him, who had disapproved of the bill altogether, to reconcile the extraordinary inconsistency which it would present, if the divorce clause were separated from the clause of degradation; but it was for the supporters of the bill to reconcile the abandonment of the one clause with the retention of the other upon any principle known to the constitution, or recognized by any of its legislative provisions which governed contracts of this description, in which the state was concerned.

Lord KING said he felt himself in a situation of rather an extraordinary kind upon this question; and the house in his view, fully participated with him in that feeling. There had been a confusion of opinions amongst the ministers—there had been a confusion of opinions also amongst the lawyers—(a laugh) and a confusion of opinions amongst the learned prelates.—(Hear.) Upon this clause there were scruples, both religious and political, with respect to its probable operation. Certainly the scruples of the learned prelates must arise from religious considerations, and he regretted that amongst that learned body, the fathers of the church, there had not been that conformity of opinion which the church of England required, and on which it so much prided itself. (Hear.) He was extremely sorry that the noble and learned lord on the woolsack had not derived from those to whom he had looked with such confidence, information of a more convincing and enlightened character. (A laugh.) But if he had not received instruction from the reverend prelates, he could derive consolation from them; for among them, as among lawyers, there appeared to be difficulty and doubt. (Laughter.) But the noble and learned lord had, with a quickness somewhat extraordinary, collected from the conflicting sentiments of the learned prelates a very clear idea of the necessity of the clause, although he had been

so full of scruples, the day before, as to beg that he might hear every thing before he gave his opinion. In looking to the question, as it generally affected the queen and the country, he could not help saying that he was influenced by reports which had reached him at former periods respecting the conduct of the queen. It was not to be denied that many noble lords had felt the influence of reports which were not legal evidence. He alluded to those reports respecting her majesty's conduct which had for so long a period been in circulation, and which, he believed, could not have been so completely shaken off as it were to be wished they should have been, when noble lords came to consider the second reading of the bill. At the period to which he had alluded, it was said, that the queen had been guilty of the greatest indecencies, not with Bergami, but with other persons; that her majesty, at Blackheath, had been guilty of indecorum with lord Liverpool! (loud laughter;—) and that she had played at blindman's buff with the Chancellor of the Exchequer! (continued laughter). He (lord King) could not refer to the exact period at which those extraordinary and indecent proceedings took place.

The Earl of LIVERPOOL: "They never took place!"—(hear).

Lord KING: "I cannot, I assure your lordships, refer to the exact time, but it must have been, I think, when the noble earl was out of place, and looking for means to get into office—before the regency!" (laughter).

The Earl of LIVERPOOL: "Never, upon my honor!"—(hear).

Lord KING said, it was then an instance to the noble earl of the falsity of reports. (Much laughter).

Earl GREY would vote for the clause in the hope that it would put the house in such a situation as to force them to reject the bill altogether.

The Earl of DONOUGHMORE supported his former opinion, and was in favour of the clause.

Lord ELLENBOROUGH said that to continue the queen the wife of the king after the proofs which had been offered against her would be sanctioning a seditious libel against the king.

Lord SOMERS agreed with the noble lord who spoke last, and would not vote for the throwing out the clause.

The Earl of LIMERICK also supported the clause. It would be degrading to the king and the nation to tie a woman to the king who would disgrace any situation.

The Earl of ESSEX having opposed the bill, could not reconcile to himself to vote in favour of this clause. He had no doubt that at no distant period the foul conspiracy against her majesty would be developed.

Lord ANSON entirely agreed with the statement of a noble earl below (earl Grey), and would vote for the divorce, in order to give the greatest possible chance of throwing out the bill (hear), a bill which imputed guilt to an innocent queen. (hear.)

Earl CARNARVON would give his vote in favour of this clause. He begged their lordships to consider what the consequence would be of passing a bill of degradation without divorce. The consequence did not appear to have been adverted to. They were all aware of a statute which made it high treason to violate the wife of the sovereign. They proposed to pass a bill of degradation in order to furnish public scandal, and to protect the morality of the country (cheers). Her majesty might still remain in the kingdom, and might continue to indulge in that vice which they assumed to be proved, and any individual might commit what by the statute of Edward III. was high treason. Would any noble lord say that her prosecutors could come to that house for a second bill of pains and penalties against her majesty? If this were purely a bill of divorce, no ground whatever could be assumed for degradation but the ground of divorce on account of adultery. Were their lordships to declare, by their vote, that a person not fit to be the associate of the meanest individual in the land, was yet a fit individual to be the associate of the king? He, for one, would never concur in such a wanton, unnecessary, premeditated insult to the king (hear, hear). Against such an insult, though sanctioned by the advisers of the crown, he would raise his voice.

Lord HOLLAND supported the clause.

The Marquis of BUCKINGHAM said he looked not to the effect of the present question on the ultimate fate of the bill. The only question before the committee was, whether it was fit

to retain this clause after the evidence had warranted the second reading? He had attended most anxiously to the reverend bench of bishops, who had inquired into the religious considerations on this subject; and the result convinced him that by the law of God there was no impediment to divorces in the case of adultery.

Lord Ross, earl Manvers, lord Hampden, the earl of Darley, and earl Belhaven, also supported the clause.

The Earl of SHAFTESBURY, as chairman, then rose amidst loud cries of "Question, question." Having recited the clause providing for the divorce of their majesties, he proceeded to put the question, "That the words proposed to be left out stand part of the clause." He then declared that he thought the Non-contents had it. A division was immediately called for. The house was accordingly cleared at about half-past twelve; it was not opened again for the admission of strangers; but at one o'clock it was announced that their lordships had adjourned, having divided thus:

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Majority in favour of the divorce clause..... 67

While strangers were excluded, we understand that Lord KING rose, and said that he should offer no apology for submitting to their lordships a clause, the insertion of which in the bill seemed a matter of course, considering that the queen was not remotely placed in the illustrious line of princes in the succession to the crown of these realms. The crown was limited to her majesty, in the event of certain persons predeceasing her, and that by the most sacred and fundamental laws of the land. If it devolved on her, the well-known loyalty of their lordships must at once make them adopt a different view of the present question; and, looking forward to that event, they must be equally ready to provide for it. He therefore moved this clause: "And be it further enacted, by the authority aforesaid, that in case the crown of these realms shall at any time descend to her said Majesty Caroline Amelia Elizabeth, then, and in such case, this present act, and all the matters and things contained therein, shall become utterly void and

"of no effect, and the whole of the preamble thereof shall be deemed and taken to be false, calumnious, and scandalous, upon the same evidence on which it hath now been held to be sufficiently proved." (Loud cheering, with some cries of order.)

LORD COLVILLE (of Culross, in Scotland, and, one of the Scotch peers) rose, with much warmth, to vindicate himself, and those who acted with him in favour of the bill. He said they were aspersed—they were attacked—by this motion. He denied the justice of the imputation, and he felt it due to his own conscience, and that of those who voted with him in this measure, to say that they acted conscientiously in it; and that they still did support the bill.

After some further discussion the clause was rejected without a division. The house resumed, and the report was ordered to be read to-morrow.

MINORITY IN THE HOUSE OF LORDS THAT VOTED FOR EXPUNGING THE DIVORCE CLAUSE.

LORDS Hill, Rodney, Yarborough, Saltoun, Bayning, Keayon, Hopetoun, Seefeld, Calthorpe, Combermere, Sidney, Curzon, Falmouth.

BISHOPS of Chester, Cork, Peterborough, Gloucester, St. Asaph, St. David's, Ely, Worcester.

EARLS of Winchelsea, Courtown, Mount Cassel, Romney, Stamford, Brownlow, Fitzwilliam, Stanhope, Balcarras, Dartmouth, Aylesford, Verulam, Morton, Portsmouth, Caledon, Lauderdale, St. Germain's, Aylesbury, Macclesfield, Lonsdale, Mount-Edgewcombe, Farnham, Pomsret, Whitworth, Mayo, Shaftesbury.

MARQUIS Cornwallis.

DUKES of Clarence, Portland, Beaufort.

ARCHBISHOPS of York and Tuam.

CABINET MINISTERS. — Sidmouth, Melville, Bathurst, Harrowby, Mulgrave, Liverpool, Westmorland, Wellington, Eldon C.

PROTESTS AGAINST THE SECOND READING OF THE BILL OF PAINS AND PENALTIES.

DISSIDENT, No. I. Nov. 6, 1820.

Because the second reading of the bill is equivalent to a decision that adulterous intercourse (the only founda-

tion on which the bill can rest) has been satisfactorily proved.

Because that adulterous intercourse has been inferred, but not proved; and in a doubtful case, in which the imputed guilt is not proved, although innocence be not established, the benefit of that doubt, conformably to the principles of British justice, must be given to the defendant.

Essex (first reason only), Hillsborough (first reason only), Kenyon, Orford, Somerset, Selsea, Rosebery, Morley (first reason only), Leinster, Mansfield, Enniskillen, Richmond and Lennox, Jersey (first reason only), Carrick, Grafton (first reason only), Anson (ditto), Darlington (ditto), Belhaven (ditto).

DISSIDENT, No. II.—Because this proceeding, from its nature, cannot be assimilated to a common indictment, in which a conviction upon one count alone, out of many, is sufficient.

And because, although enough has been proved in evidence to satisfy us of the existence of guilt, yet as evidence on many of the allegations has been contradicted, in some disproved, and in others is so suspicious as to be laid wholly out of the case, we are of opinion that it is inexpedient to proceed farther in this measure.

Plymouth, Dynevor, Grantham, Denbigh, Clinton, (second reason only), Gage (second reason), Ilchester.

The following peers have also protested against the bill upon general grounds:

DISSIDENT, No. III.—William Frederick, Lausdown, Jersey, Grey, Plymouth, Fitzgibbon, Albemarle, Hamilton and Brandon, Duncan, Hillsborough, Wentworth (Fitzwilliam), Derby, Anson, Yarborough, Sherborne, Cowper, Audley, Kenyon, Carrick, Selsea, Foley, Arden, Egremont, Torrington, Suffolk and Berks, Loftes (Ely), Morley, Grauville, Richmond and Lennox, Bedford, Fortescue, Darlington, Belhaven, Grafton, Breadalbane, Auckland, Dawson (Downe), Mendip (Clifden), Leinster, Hawke, Gosford, Romney, Roseberry, Scott (Portland), Thauet, Hood, Ashburton, Howard of Effingham, Alvanley, Carnarvon, Dundas, Caledon, Sundridge (Duke of Argyll), Ducie, King, Rosslyn, Dacre, Calthorpe, Grantham and Ellenborough.

THURSDAY, November 9.

REPORT OF THE COMMITTEE.

The Earl of Shaftesbury brought up the committee on the bill.

The report being handed to the Lord Chancellor, he proceeded to state to the house the amendments, in the order in which they had been made, and as they now stand in the following bill [as amended by the committee] entitled an act to deprive her majesty, Caroline Amelia Elizabeth, of the title, prerogatives, rights, privileges, and exemptions, of Queen Consort of this realm; and to dissolve the marriage between his Majesty and the said Caroline Amelia Elizabeth.

“Whereas, in the year one thousand eight hundred and fourteen, her Majesty Caroline Amelia Elizabeth, then princess of Wales, and now queen consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomeo Bergami, a foreigner of low station, who had before served in a similar capacity; and whereas, after the said B. Bergami had so entered the service of her royal highness the said princess of Wales, a most unbecoming and degrading intimacy commenced between her said royal highness and the said Bartolomeo Bergami; and her said royal highness not only advanced the said Bartolomeo Bergami to a high situation in her royal highness's household, and received into her service many of his near relations, some of them in inferior and others in high and confidential situations about her royal highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, and conferred upon him a pretended order of knighthood, which her royal highness had taken upon herself to institute, without any just or lawful authority; and whereas also her said royal highness, whilst the said Bartolomeo Bergami was in her service, further unmindful of her exalted rank and station, and of her duty to your majesty, and wholly regardless of her own honour and character, conducted herself towards the said Bartolomeo Bergami, both in public and private, in various places and countries which her royal highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the

said Bartolomeo Bergami, which continued for a long period of time, during her royal highness's residence abroad; by which conduct of her royal highness great scandal and dishonour have been brought upon your majesty's family and this kingdom. Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said majesty, by which she has violated the duty which she owed to your majesty, and has rendered herself unworthy of the exalted rank and station of queen consort of this realm; and to evince our just regard for the dignity of the crown, and the honour of this nation, we, your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in Parliament assembled, do humbly entreat your majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that her said majesty, Caroline Amelia Elizabeth, from, and after the passing of this act, shall be, and is hereby, deprived of the title of queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as queen consort of this realm; and that her said majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising, and enjoying, the same, or any of them; and, moreover, that the marriage between his majesty and the said Caroline Amelia Elizabeth be, and the same is hereby, from henceforth for ever, wholly dissolved, annulled, and made void, to all intents, instructions, and purposes whatsoever.”

When the noble and learned lord came to that part in which the word “the” was omitted in the sentence “in the various countries in which her royal highness visited,”

Lord ELLENBOROUGH rose, and said that the word now read, the word “the,” was the principal alteration which had been made in the bill. Many noble lords, and a considerable part of those right reverend persons who sat on the bench opposite to him, had voted for the second reading of this bill under the impression that it was to undergo considerable modification in the

committee, particularly with respect to the divorce clause. But their lordships had now heard most of the amendments, and they contained no modification, the principal change made in the whole bill being the omission of the word to which he had alluded. All the members of the house who had voted for the second reading, under the belief that an essential modification was to be made, being now completely disappointed in that expectation, would doubtless vote against the bill on the third reading.

The Earl of LAUDERDALE wished to say a few words with regard to what had occurred on leaving out the divorce clause. Their lordships had been distinctly told by a noble lord of great experience, of the highest political talents, one of the most eminent members of that house, and a person for whom he entertained the greatest respect, that his reason for voting, with a view to keep in that clause, arose from his wish to stop the measure altogether. Now, after such a declaration, he would ask those noble lords who really objected to the clause, and who wished to remove it from the bill, but had thus been disappointed, whether they could with propriety aid this trick and manœuvre by voting against the third reading? Was it to be expected that noble lords who had voted for the second reading were now to reverse that vote, in order to assist the views of those who, in voting for the divorce clause, had declared that their object in doing so was to throw out the bill?

Earl GREY rose with great surprise, and no inconsiderable indignation at hearing the unjust, unfounded, and calumnious imputation which had been cast upon him. He had hoped that his noble friend—that that house—knew him too well to render it possible that he could be accused of resorting to trick and manœuvre to gain an object. Whether such a charge came well from the quarter in which it was made, he left it to the house to consider. But he must say, that to be accused of tricking and manœuvring in his conduct, when he openly avowed the motive and the object of that conduct, appeared to him the most extraordinary and unauthorized charge ever made in that house. Now, with respect to the question of his vote, he

must observe that nothing was more common in parliamentary practice, nothing more justifiable according to the precedents of the best of former times, and nothing more correct in principle, than when a person felt a fundamental objection, either in the principle or the details of a measure, that he should endeavour to clog it in any stage with conditions calculated to produce its rejection by the house. (Hear, hear). But he had not been driven to this expedient, for, from the beginning, he had objected to the suggestion for omitting the clause.

The Earl of LAUDERDALE, after what had passed, thought necessary to say a few words. If he were capable on any account of saying what could by possibility detract from the character of his noble friend, it would be infinitely more painful to him than any thing that ever happened to him in the course of his life. He had not said that his noble friend had been guilty of any unworthy trick or manœuvre. What his noble friend had done was a parliamentary trick often practised, as had been stated, even in the best of times.

The Earl of LIVERPOOL said he would fairly ask their lordships whether, in any stage of this proceeding, he could be justly accused of holding out any expectations? He had merely stated, on the second reading of the bill, that no noble lord ought to feel precluded from voting because of any objection he might have to parts of the preamble, or to the clause of divorce, both of which would be open to discussion in the committee. He had always stated most distinctly that the preamble was, in his own opinion, most distinctly proved, and he could therefore never have held it out as his opinion that any material alteration would eventually take place in it. At the same time he perfectly agreed with the noble lord opposite (Ellenborough), that if any noble lord had voted for the second reading of the bill, in the expectation that important alterations in the preamble would be made in the committee, which were not made, it was perfectly open to him to vote on the third reading, as if he had not voted for the second. (Hear, hear.)

Lord ELLENBOROUGH said that his observation was not meant to apply to those who had been disposed to sup-

port the whole of the bill, and who only voted against the divorce clause from ideas of expediency or of deference to the feelings of others. But he had said, and he now repeated, that there were others, who had on religious grounds, voted against the divorce clause (hear). Now, he held it to be impossible for any who had voted against the divorce clause on religious grounds, not to vote against the third reading of the bill.

After some observations from Lord CALTHORPE, and the Earl of DONOUGHMORE,

The LORD CHANCELLOR said, that the only question before the house was, whether a word of three letters, the word "the," should stand part of the preamble or not? and he did not imagine that much light could have been thrown on that point by the sort of canvass which had been going on—for he could call it nothing else—as to the votes on the third reading of the bill. After what had fallen from the noble earl (Grey), he thought he should be forgetful of what was due to himself, to the house, and to the country, if he did not disclaim, in the most pointed manner, having ever stooped to the unworthy practice of attempting to lead the votes of their lordships by any thing like trick or manœuvre (hear). He had never stated one single word, in the whole course of this long proceeding, respecting the power of their lordships to modify the preamble or enactments of the bill, which he would not now repeat. As to the vote of yesterday, he had felt himself bound in honour, after the declaration made by a noble lord opposite (lord Lonsdale), to pay deference to the religious prejudices entertained by that noble lord, in common with many others: although, for himself, he thought those prejudices altogether without foundation. This opinion he again, as he had done before, openly avowed. He thought the clause of divorce equally justified in a religious as in a legal sense, and, if the bill passed, that clause ought also to pass.

The Duke of HAMILTON rose to move an amendment upon a subject which he had before mentioned. It was to leave out the words "licit, honourable, disgraceful, and adulterous intercourse." To the words "adulterous intercourse," he had the most decided

objection; but he would not enter into a discussion of it now. He would reserve any discussion of the subject till the third reading. He now merely moved that that part be omitted.

The LORD CHANCELLOR put the question, which was negatived without a division.

Earl FITZWILLIAM said the adulterous intercourse had, in his opinion, by no means been proved; but he called on those noble lords who held an opinion that her majesty was guilty, to limit the period, during which they alleged that she had been engaged in the criminal intercourse, to a portion of time previous to the year 1817, as no proof whatever had been brought forward of her communicating with the individual named in the bill after that period. To refuse to adopt this principle would be extreme injustice to the unfortunate accused.

The Earl of CARNARVON said he rose to move an addition to the preamble, after the word "abroad," of which he had given notice formerly. He moved that, after the word "abroad," should be inserted, "and subsequently to her return refused 50,000*l.* a year of the public money, and the proffered homage of both houses of parliament."

The LORD CHANCELLOR put the question, and said the "Not Contents" had it.

Lord KING moved that the enactments of the bill should be thus altered:—"And whereas certain commissioners, who were appointed to proceed to Milan, together with one Vilmasarti, an Italian advocate, have collected a mass of false or questionable evidence; and whereas the same has, during many weeks, been detailed to the house and the public, whereby 'great scandal and dishonour have been brought upon your majesty's family and this kingdom:' therefore to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of the said Milan commissioners, by which they had 'violated the duty which they owed to your majesty, and have rendered themselves unworthy of the confidence placed in them;' and to evince our just regard for the dignity of the crown, and the honour of this nation: We, your majesty's most dutiful and loyal subjects, the lords spiritual and

temporal, and common, in Parliament assembled, do humbly entreat your majesty that it may be enacted; and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and common, in this present Parliament assembled, and by the authority of the same, that the persons who have acted as commissioners at Milan, from and after the passing of this act, shall for ever be disabled and rendered incapable, and are hereby disabled and rendered incapable, of receiving any reward (great laughter), or of holding any place of trust, profit, or emolument, under the crown (loud laughter). By leaving out the words "Caroline Amelia Elizabeth," and the other words which refer to her majesty, and introducing the words now moved, the bill would still be a bill of pains and penalties, and it would then be directed to the proper object (cheers and laughter).

The LORD CHANCELLOR read the amendment, amidst much laughter, and said the "Not Contents" had it.

Lord KENYON then addressed the house from the gallery, opposite the ministerial side. He said, if he could by any means have brought himself to consent to the present bill, which he believed to be most odious and unjust, still he could never have assented to the divorce clause. His objections to that clause rested on religious feelings; they were founded on these words of our Saviour:—"Whoso putteth away his wife, except for fornication, causeth her to commit adultery."—His objection was founded on religious scruples. Any man of plain understanding must see that divorce in the present case was inconsistent with Scripture. He had witnessed, with the greatest pain, any difference of opinion on this subject among the right reverend bishops. Nothing could ever obtain his consent for retaining this clause. National expediency was not to be put in competition with religious principle. What man, holding Christian principles, or believing the Christian faith, could divorce, even for adultery, from a husband who was stated, by the divine Author of Christianity, to have caused adultery? (Hear, hear.) His lordship proceeded at some length to enforce his opinion that the divorce was plainly opposed to the words he had quoted, and commented with considerable strength on the explanation

which had been given of the text by a learned prelate on a former day—that it applied only to local circumstances, and to a particular institution of the Mosiac law. His lordship concluded by moving that the whole of the words, after the words "any of them" be omitted—namely, "And, moreover, that the marriage between his majesty and the said Caroline Amelia Elizabeth be, and the same is hereby, from henceforth, for ever, wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever." This motion was immediately negatived without a division; and the house adjourned at twelve o'clock, until ten to-morrow morning.

FRIDAY, November 10.

THIRD READING OF THE BILL OF PAINS AND PENALTIES.

The Earl of LIVERPOOL moved the order of the day for the third reading of the Bill of Divorce and Degradation against the queen.

The Earl of MORLEY rose to oppose the motion. He said, that he was one of those who concurred entirely with his majesty's ministers up to the second reading of this bill. He thought at first, and still, that the course of events, after her majesty's arrival here, rendered this inquiry necessary. He also approved of the manner in which it had been conducted; but the reason he voted on Monday against the second reading, and would now vote against the third reading was, that he did not think the charge in the preamble fully made out (hear, hear). The bill covered six years of her majesty's conduct, and was it not singular that during that long space of time, it did not produce proof of any one act of adultery on any specific day. (Hear.) He knew that strong inferences were drawn that it had at particular times been committed, but he still thought they did not amount to proof. He also thought that the provisions of the bill were, if not of a revolutionary shape, at least of an anti-monarchical. The noble lord then said, that before he touched upon any evidence, he would remind the house that the mode of proof which obtained in cases of adultery was now different from that which formerly prevailed. The new doctrine respecting the legitimacy of the children of an adulteress, was open to be

rebutted by circumstances, since the unanimous opinion of the judges, delivered before their lordships on the 11th of May, 1811.

The noble earl then said he was a decided enemy to all *ex post facto* laws, except where the public safety rendered such measures necessary; and, after some further observations, declared himself a decided enemy to this bill.

Lord SOMERS spoke at considerable length in favour of the bill—the preamble to which he contended had been fully established.

Earl FORTESCUE said that it was impossible for him to think that the evidence which had been adduced in this case amounted to legal proof of guilt. It was but too true that persons in royal station might be guilty of improprieties, but in his opinion it was far more consistent with wisdom to keep them concealed than to submit them to public observation. He was convinced that much mischief had already been done by this measure—but he hoped that this was not quite irreparable. It was still in the power of the house to do much, by rejecting this bill altogether.

The Duke of BEDFORD said that, in his opinion, the measure was one which, to use the emphatic words of another branch of the legislature, “was derogatory to the honour of the crown, and injurious to the best interests of the country.” He did not vote on the divorce clause, because he could not conscientiously vote upon it without thinking the queen guilty. It had given him great astonishment to see ministers supporting the omission of the clause, consenting to the castration of their own measure, depriving it of the only feature which gave it the semblance of rationality. He did not mean to go in detail into the evidence, but he could not, however, help offering a few remarks on some parts of the proceeding. A noble earl opposite (lord Liverpool) had commented on the evidence in a manner which had given him great surprise. He had assumed some of the most important facts of the case as proved solely by the testimony of that pure and immaculate witness De Mont. He had ventured to say, that she was in one instance supported by Dr. Holland; but on the minutes of evidence being referred to,

no such corroboration appeared. The truth was, every thing that could in any way be turned to the discredit of her majesty, was made use of to effect the purposes of this bill, without any regard either to their justice or probability. He would ask their lordships, how the character of Queen Elizabeth would have stood?—where the glory of her reign would have been?—if she had been infested, as the Princess of Wales had been, by spies and informers?—His grace concluded by declaring, that, if called upon, in his judicial character, to give a verdict on the evidence, which had been produced, he must say, Not Guilty, on his honour and conscience; and, if asked for his opinion as a legislator, “that the bill was as impolitic as it was unjust!”

The LORD CHANCELLOR still considered, that, if any noble lord was not conscientiously satisfied that there was a clear legal presumption of guilt in this case, it was his duty not to vote for this bill. For his own part, whether he viewed the evidence in favour of the bill—the evidence which had been called for the defence—or the evidence which ought to have been called, and had not been called, he was of opinion that the charge of adultery had been clearly established. If this were not his feeling, no earthly consideration should induce him to vote for the third reading of the bill.

The Bishop of CHESTER said, that thinking the divorce clause in the bill against the precept of the divine law, and contrary to the whole spirit of the civil law, it was impossible for him to vote for the bill with that clause.

The Duke of GRAFTON said, that upon looking at the whole of the evidence, he must pronounce a verdict of “Not Guilty.”

The Marquis of HUNTLEY was satisfied of the guilt of her majesty, and should vote for the third reading.

The Marquis of DONEGAL said, that his clear and conscientious vote should be against the bill.

The Bishop of GLOUCESTER, from his objection to the divorce clause, should vote against the bill.

After some observations from Lord ELLENBOROUGH and the Earl of DARNLEY, amidst loud cries of Question, the house divided.

The result of this last division on the bill was as follows:

For the third reading..... 108

Against it 99

Majority 9

We have received the following report of what passed during the exclusion of strangers:

HER MAJESTY.

Lord DACRE arose amidst vehement cries of "order," and as soon as the peers had taken their seats, he observed, that he had been intrusted with a petition from her majesty, praying to be heard by counsel against the passing of the bill (much cheering).

The Earl of LIVERPOOL rose immediately, and said that he apprehended such a course would be rendered unnecessary by what he was about to state (hear, hear). He should not be ignorant of the state of public feeling with regard to this measure, and it appeared to be the opinion of the house that the bill should be read a third time only by a majority of nine votes (much cheering). Had the third reading been carried by as considerable a number of peers as the second, he and his noble colleagues would have felt it their duty to persevere with the bill, and to send it down to the other branch of the legislature. In the present state of the country, however, and with the division of sentiment, so nearly balanced, just evinced by their lordships, they had come to the determination not to proceed further with it. It was his intention, accordingly, to move that the question "that the bill do pass now," be altered to "this day six months." (The most vehement cheering took place at this unexpected declaration.)

Earl GREY rose as soon as the earl of Liverpool had resumed his seat, but the confusion did not subside until after his lordship had been for some time on his legs. His lordship complained of the whole course ministers had pursued with regard to the bill, which, after the declaration of the noble earl, could scarcely be said to be before the house, but which was still before the country, and would live long in its memory. (hear.) He charged the servants of the crown

with the grossest neglect of duty, in the first instance, in listening only to *ex parte* evidence, and giving a willing credence to the most exaggerated and unfounded calumnies. (loud cheers.) They had thus for many months agitated the nation—they had produced a general stagnation of public and private business—and they had given a most favourable opportunity, were it desired, to the enemies of internal peace and tranquillity. They had betrayed their king, insulted their queen, (continued cries of hear from all sides,) and had given a shock to the morals of society, by the promulgation of the detestable and disgusting evidence, in the hearing of which the house had been so long occupied. (hear.) His lordship also reprobated, in the severest terms, "the conduct of the Milan commissioners, who having been appointed, not to investigate truth, but to obtain testimony of guilt, had found in this country but too great an inclination to put faith in all the stories their agents and witnesses might invent against the honour and reputation of the Queen of Great Britain. The result had been that, after inquiries, secret and open—after the grossest calumnies and the foulest libels had been made the subject of detail and debate for fifty days—after all the injury that it was possible to do the queen had been accomplished, the bill was abandoned, not without reason, but assuredly without apology. His lordship concluded by assuring the noble lords on the other side, that the people of Great Britain would not be satisfied with the mere withdrawing of the measure, but would demand a strict inquiry into its foundation and origin. (great cheering from one side of the house.)

Lord ERSKINE followed earl Grey, and expressed the delight he felt that, after all that had been threatened and performed, he had yet at length lived to see justice—tardy and reluctant justice—done to the queen. It was the victory of right and innocence over wrong and malignity. He had spent much of his life in courts of justice, and he had often witnessed the triumph of the law, but never so gloriously as on the present occasion—the triumph of that law of which Hooker, in his "Ecclesiastical Polity," said, "Of law there can be no

less acknowledged than that her seal is the bosom of God, her voice the harmony of the world. All things in heaven and on earth do her homage; the very least as feeling her care, and the greatest, as not exempted from her power. Both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring her as the mother of their peace and joy." (Hear, hear.)

The Duke of MONTROSE took the opportunity of stating, that his conviction of the criminality of her majesty was unaltered, and that, for

one, he should never look up to her as his queen.

The question was then put from the woolsack, on the motion of the earl of Liverpool, that the question "that this bill do pass be put on" this day six months. It was carried *semine contradicente*, and almost by acclamation.

Order having been once more re-established, the Earl of LIVERPOOL moved that the house should adjourn until the twenty-third of November, the day on which the commons meet. It was also carried, and their lordships immediately separated.

END OF THE TRIAL

THE
LAST DAYS,
DEATH,
FUNERAL OBSEQUIES, &c.
OF
HER LATE MAJESTY
CAROLINE *Amelia Belgia*
QUEEN CONSORT OF GREAT BRITAIN:

EMBRACING A FULL AND IMPARTIAL NARRATIVE
OF EVERY CIRCUMSTANCE CONNECTED WITH
THAT MEMORABLE EVENT.

BEING A CONTINUATION OF
THE ROYAL MARTYR,
OR MEMOIRS OF QUEEN CAROLINE.

By John Galt
EMBELLISHED WITH ENGRAVINGS.

London:

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1822

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THE ROYAL MARTYR.

WE have already, in the *Memoirs of Her late MAJESTY*, under the title of

“THE ROYAL EXILE”

detailed at large, the whole of those interesting and important events with which the life of her Majesty, during a period of thirty years, has been chequered. We have followed the long train of base, unmanly persecutions, which have succeeded each other, down to the period of Her Majesty's acquittal from the foul and infamous charges of the late trial; and having, in common with our Country, exulted in the frustration of that infernal plot, and the triumph of virtue and innocence, we considered our task at an end, and that the Subject of it would be left to the uninterrupted enjoyment of conscious innocence, and the ardent attachment of the people.

But alas! the Tragedy was only in its progress—hastening towards that awful close, which we now resume the pen to detail: and millions of eyes have since been suffused in tears, on learning the fatal catastrophe, that **CAROLINE**

of BRUNSWICK, the greatest—perhaps the best woman of her day, has sunk by what may be called a premature death, borne down by an accumulation of unwearied and unceasing persecutions.

The Coronation, that despicable, unmeaning pageant,—which could answer no purpose but of adding to the already insupportable burdens of an insulted and oppressed people, furnished fresh occasion for insult to the Queen. Her Majesty, while she despised the idle pomp and ceremony of the coronation, was well aware that important rights and prerogatives were connected with it, and her usual undaunted courage and heroic mind would not suffer the future rights of a Queen of England to become curtailed or annihilated in her person. It may therefore be considered not irrelevant to enter into a brief detail of Her Majesty's firm and judicious behaviour on that, like other trying occasions.

Finding that every other means had failed, and having issued a protest against the decision of the Privy Council, excluding her from participating in the ceremony, Her Majesty determined on the last and only remaining effort, of gaining admission as a spectator; and for this purpose, set out from her house in South Audley Street, as early as six o'clock. Having proceeded through the Parks to Westminster Abbey, shouts of applause were heard in the direction of Dean Street,

leading towards the western door of the Abbey, announcing the approach of the Queen. Her carriage was drawn by six beautiful bay horses, elegantly caparisoned, and accompanied by Lady Hood and Lady Ann Hamilton. Another carriage followed, drawn by two horses, and containing Lord Hood and the Hon. Keppel Craven. She passed the barrier without interruption, and proceeded by the King's Arms Tavern, to nearly opposite the door of Westminster Hall. Her Majesty then stopped for a few moments, apparently uncertain what course to take, as she had hitherto met with no obstruction, and yet had received nothing like an invitation to approach. At this moment the feelings of the spectators were wound up to a pitch of the most intense curiosity, and most painful anxiety. The persons who immediately surrounded her carriage knew no bounds in expressing their enthusiastic attachment, while many of those in the galleries, apprehensive of the consequences of the experiment which she was making, could not restrain their fears and alarms. In the mean time great confusion seemed to prevail among the officers and soldiers on and near the platform; the former giving orders and retracting them, and the latter running to their arms, uncertain whether they should salute her by presenting them or not. Astonishment, hurry, and confusion, seemed to agitate the whole multitude assembled either to witness or compose the ensuing pageant.—We never

remember to have observed more unequivocal symptoms of pain or horror than were manifested by people of the most opposite sentiments, when they saw their Queen treated like an alien or outcast, by the servants, and at the festive hall, of her Husband. Every heart thrilled with pity or indignation. These feelings were increased as she alighted from her carriage and proceeded on foot, leaning on the arm of Lord Hood, and accompanied by the faithful companions of her affliction, Lady Hood and Lady Ann Hamilton, to demand admission. The approach of the Queen towards the hall-door produced a considerable sensation within: there was an immense rush to the door, which was closed amidst much confusion.

Lord Hood having desired admission for her Majesty, the door-keepers drew across the entrance, and requested to see the tickets.

Lord Hood: " I present you your Queen; surely it is not necessary for her to have a ticket."

Door-keeper: " Our orders are to admit no person without a Peer's ticket."

Lord Hood: " This is your Queen; she is entitled to admission without such a form."

The Queen, smiling, but still in some agitation: " Yes, I am your Queen, will you admit me ? "

Door-keeper: " My orders are specific, and I feel myself bound to obey them."

The Queen laughed.

Lord Hood: " I have a ticket."

Door-keeper : " Then, my Lord, we will let you pass upon producing it."

Lord Hood now drew from his pocket a Peer's ticket for one person ; the original name in whose favour it was drawn was erased, and the name of " Wellington " substituted.

Door-keeper : " This will let one person pass and no more."

Lord Hood : " Will your Majesty go in alone ? "

Her Majesty at first assented, but did not persevere.

Lord Hood : " Am I to understand that you refuse Her Majesty admission ? "

Door-keeper : " We only act in conformity with our orders."

Her Majesty again laughed.

Lord Hood : " Then you refuse the Queen admission ? "

A door-keeper of a superior order then came forward, and was asked by Lord Hood whether any preparations had been made for Her Majesty ? He answered respectfully in the negative.

Lord Hood : " Will your Majesty enter the Abbey without your ladies ? "

Her Majesty declined.

Lord Hood then said, that Her Majesty had better retire to her carriage. It was clear no provision had been made for her accommodation.

Her Majesty assented.

Some persons within the porch of the Abbey

laughed, and uttered some expressions of disrespect.

Lord Hood : " We expected to have met at least with the conduct of gentlemen. Such conduct is neither manly nor mannerly."

Her Majesty then retired, leaning on Lord Hood's arm, and followed by Lady Hood and Lady Hamilton.

Whilst the Queen was moving at a very slow pace beside the platform, she was frequently interrupted by the immense numbers who pressed around the carriage, *greeting her with loud cheers*, and entreating to be permitted to unharness the horses, and draw the carriage themselves. These demonstrations of regard were not confined to the humbler spectators; she was received by all with the same enthusiasm. In a box, called the "*Royal Eclipse*," and which was thronged with spectators apparently of a superior order, there prevailed the most anxious feeling in her favour. Their manifestations of attachment assumed rather the character of *tender sympathy* than of animated applause. There was, however, a box a little to the left of the Eclipse, which made some attempts to hiss Her Majesty, and *a few old ladies* appeared the most conspicuous on the occasion, but their shrill shrieks were quickly drowned in cries of "*Bravo, Queen Caroline*," "*God bless the Queen*," &c.

This last indignity and insult, offered on so

public an occasion, and as it were, in the face of the whole nation and of Europe, appeared to have wounded Her Majesty most severely, and to have left a deep impression on her mind. Her natural vivacity and buoyancy of spirits, it is true, supported her under it, and in a great measure enabled her to conceal what was inwardly preying upon her feelings; but to any attentive observer, who had frequent opportunities of making the remark, the effects were very visible, and apprehensions were entertained for the consequences.

In order to divert Her Majesty from indulging in these unpleasant reflections, and brooding over her injuries, her friends respectfully, but urgently advised her to indulge in such recreations and amusements as the metropolis at present afforded; and it was proposed and finally arranged, that as soon as the weather should become settled, Her Majesty would make a tour through part of Scotland, first taking Edinburgh, and afterwards the Hebrides in her route. With that foresight and prudence, which so conspicuously marked her character, she determined on avoiding in her tour the great manufacturing districts, well aware that it might otherwise furnish her enemies with a handle for abuse and calumny.

On Tuesday the 31st, Her Majesty, attended by Lord and Lady Hood, and Lady Ann Hamilton, went to the review at Wormwood Scrubs, and was greeted as usual by a vast concourse of

people with universal acclamations, who appeared to express the greatest solicitude for her welfare, and generously seized this first public appearance after the coronation to renew their enthusiastic feelings of attachment. Her Majesty appeared deeply affected by this well-timed expression of affection, and was unusually cheerful when returning, and during the remainder of the day.

Among the occurrences of this week, bearing a reference to Her Majesty, we ought not to omit the re-appearance of Mr. Kean at Drury Lane Theatre, on his return from America. In his character of Othello, every passage that could be construed into an allusion to Her Majesty's case, was received by the audience with the greatest enthusiasm; and where *Emilia*, with such violent indignation, exclaims against the "odious, damned lie," a voice cried out from the pit, "O what *Iagos* have beset the Queen!" the sentiment communicated with an electric rapidity, and was echoed throughout the house.

On Monday night Her Majesty visited Drury Lane Theatre, to witness Mr. Kean's performance of Richard the Third. She had complained of illness the two previous days, but it was considered only of a slight and temporary nature. Her Majesty arrived at the theatre a short time before seven o'clock, accompanied by Lord and Lady Hood, Mr. Alderman Wood, and Mr. W. Austin. Though Her Majesty felt much

indisposed, she could not be persuaded to retire until the play was over. She continued unwell during the night. During Tuesday there was little change in Her Majesty's state; but during the night she obtained some comfortable repose. The symptoms of Her Majesty's complaint, obstruction in the bowels, were somewhat alleviated on Wednesday.

On Thursday afternoon Her Majesty underwent the operation of bleeding, from which she experienced a temporary relief. The remainder of that day and the whole of the night Her Majesty passed comparatively free from pain; but the symptoms of her disorder continued the same throughout the whole of Friday, and up to five o'clock. Between five and six o'clock a warm bath was ordered, in which Her Majesty remained for about a quarter of an hour. This produced some sensation of suffering, but it had not the effect of reducing the general symptoms of her disorder. After coming from the bath, and up to half-past nine, Her Majesty was unable to retain any thing on her stomach for more than a few minutes; and on this account the medicines administered failed of producing the desired effect. In the course of the evening, Dr. Ainslie was sent for; Drs. Maton, Warren, and Holland, having been in constant attendance since the first dangerous symptoms of Her Majesty's complaint appeared.

[FIRST BULLETIN—ISSUED ON THURSDAY.]

“ Brandenburg House, Aug. 2, 1821, half-past ten, p.m.

“ Her Majesty has an obstruction of the bowels, attended with inflammation. The symptoms, though mitigated, are not removed.

“ W. G. MATON. HENRY HOLLAND.”

“ PELHAM WARREN.

The knowledge of Her Majesty's serious indisposition excited, as might be expected, the most anxious and painful interest throughout the metropolis on Friday. At a very early hour the number of inquiries at Cambridge-house was very considerable. At twelve o'clock the following bulletin was issued from her Majesty's residence in South Audley-street:—

“ Brandenburg House, Aug. 3, nine o'clock, a. m.

“ The Queen has passed a tolerably quiet night; but the symptoms of Her Majesty's illness remain nearly the same as yesterday evening.

“ W. G. MATON. PELHAM WARREN.”

“ HENRY HOLLAND.

This very naturally served rather to heighten than allay the fears of the public, and throughout the day the number of persons who came to inquire respecting Her Majesty, continued to increase every hour. During the whole of Friday evening there was a crowd round Cambridge-house, watching with the utmost anxiety for the arrival of some fresh intelligence from Brandenburg-house. At this latter place many persons of rank left their names in the course of the day.

The interest excited in Hammersmith and its vicinity was intense beyond description, and every person who walked in the direction from Brandenburgh House towards the metropolis was eagerly questioned as to the state of Her Majesty.

Her Majesty was blooded four times on Friday, and lost in the whole sixty-six ounces of blood.

Though Her Majesty obtained a few hours sleep, yet her general condition was felt to be so alarming, that two Notaries from Doctors' Commons were sent for to Hammersmith, to draw up her Will, which was executed by nine o'clock.

Friday evening, Messrs. Brougham and Denman, Dr. Lushington and Mr. Wilde, were in attendance. Messrs. Brougham, Denman, and Wilde, had prepared to set off for their respective circuits, when intelligence of Her Majesty's precarious situation reached them, and they continued at Brandenburgh House.

At ten o'clock at night the following bulletin was issued :—

“ Brandenburgh House, Aug. 3.

“ There is no improvement in Her Majesty's symptoms since the morning.

“ H. AINSLIE. G. W. MATON.

“ PELHAM WARREN. HENRY HOLLAND.”

The Queen was aware of her danger on Friday afternoon, but on this, as on every other trying occasion, she behaved nobly. With the utmost patience she submitted to every proposed means of relief, at the same time calmly and

firmly saying that she believed it was useless. She observed, and spoke in her usual firm manner, that she must have had a strong constitution to have gone safely through so many fatigues and anxieties; but she apprehended this would be the last trial. Her calmness and fortitude made a deep impression on all who were in attendance. When Dr. Holland endeavoured to express a hope: "No, my dear Sir," Her Majesty exclaimed, "I fear your kind hopes will be disappointed."

Lord Sidmouth was expected to leave town for Portsmouth: but official notice of the Queen's illness and danger was sent to the Home-office, and officially acknowledged.

Alderman Wood was unremitting in his attention. He remained up nearly the whole of Thursday and Friday nights, and when he retired for a short time to rest, did not undress. It is scarcely necessary to add, that the whole of Her Majesty's household were deeply afflicted at the situation of their Royal Mistress.

The following bulletin was exhibited on Saturday morning at Cambridge House:—

"Brandenburgh House, Aug. 4, nine o'clock, a. m.

"Her Majesty has passed an indifferent night, but has had some tranquil sleep this morning. The general symptoms remain nearly the same as yesterday.

"H. AINSLIE. PELHAM WARREN.

"W. G. MATON. HENRY HOLLAND."

The following bulletin was issued at twelve o'clock :—

“ Brandenburg House, Saturday, Aug. 4, twelve o'clock.

“ Her Majesty has been in a sound sleep since six o'clock this morning, and still remains so. All the symptoms are as before.”
(Signed as before)

“ Brandenburg House, Saturday, one o'clock, p.m.

“ Her Majesty still sleeps, and hopes are entertained by the Physicians that she will receive much benefit from her long repose, as she has had an uninterrupted sleep since six o'clock this morning.”

“ Saturday Afternoon, half-past two.

“ The Queen has had a little sleep.”

“ Saturday Afternoon, three o'clock.

“ Her Majesty has tasted a little refreshment; the small quantity which she has taken continues on her stomach. The sleep which her Majesty has had, appears to have given her some trifling relief.”

“ Brandenburg House, Saturday Afternoon, four o'clock.

“ Her Majesty is rather better than worse. The improvement is scarcely perceptible; but the dangerous symptoms have not increased since the last account.”

“ Brandenburg House, five o'clock.

“ Her Majesty's Counsel have left, having been in attendance all day. The physicians are of opinion, that the disorder had rather abated than increased; but such is the dangerous state of Her Majesty, that, after a consultation of the physicians, they resolved not to issue a bulletin till ten o'clock this night, lest Her Majesty's disorder might again take an unfavourable turn.”

Every means were taken to keep Brandenburg-House and its immediate vicinity as quiet as possible. The most positive orders were given at the Lodge to prohibit the passage of all persons, of whatever rank or condition, unless they produced the privilege of the *entrée*. Attempts

had been made by persons of distinction to obtain admission to the house ; but being informed of Her Majesty's physicians' commands, they made the usual inquiries and departed. Persons were constantly employed, both at Cambridge House, and at the Porter's Lodge of Brandenburgh House, in showing the bulletins, as they were issued, to the numerous inquirers.

A general gloom had for the last three days been spread over the metropolis, in consequence of the alarming situation of Her Majesty, and, notwithstanding the unwearied attentions of her Physicians, she still continued in a most dangerous state. The sympathy excited by the illness of Her Majesty, caused the most anxious inquiries to be made, both at Brandenburgh and Cambridge House, by very considerable numbers.

The very great interest excited in and near the Metropolis, particularly at Hammersmith, and the contradictory reports which were circulated, aided very much in keeping alive the anxiety that was manifested.

On Saturday morning a report was very generally circulated, that Her Majesty had expired at seven o'clock ; and the authority upon which the report was promulgated was so respectable, that many tradesmen closed their shops, and the managers of the different theatres and the different tradesmen of Her Majesty, sent off expresses to Hammersmith, for the purpose of ascertaining its authenticity.

At three o'clock in the afternoon, Mr. Denman left Brandenburgh House, upon the assurance of one of Her Majesty's physicians, that the disorder had abated.

At four o'clock Mr. Brougham, having received similar intelligence, also left, for the purpose of attending to his professional duties at York, being retained in a cause which was to be tried on Monday. He travelled in a chaise and four in order to be in York the same night to hold a consultation. The following were among the persons who called and left their names at Her Majesty's residence :—

Mrs. Wilde and family, Countess of Jersey, Lady Mary Bentinck, Mr. Jones, Miss Sayer, Mr. Oldfield, Lady C. Lindsay, Lady Francis, Mrs. Holme, Mr. Sheriff Waithman, Sir H. Englefield, Earl Grosvenor, Mr. Frost, Lord Ossulston, Mr. Lumley, Mr. and Mrs. Hethersell, Lieut.-Col. Jones, Mrs. and Miss Chambers, Major Russell, Sir Robert Dundas, Mrs. and Miss Chaloner, Mr. Jones, Sir Wm. and Lady Paxton, — Clifton, Esq., Lord A. Hamilton, Mrs. Jenkins, Mr. Peirce, Duchess of Somerset, Mr. and Mrs. Henry, Mrs. Heydon, Lady Kingston, Dowager Lady Monson, Miss Monson, Dowager Lady De Clifford, Mr. Hoper, Earl of Oxford, Hon. Alfred Harley, Mr. Reading, Mr. O'Niel, Mr. Hay Allan, of Hay, Mr. James Hood, Mr. Sandford Graham, Mrs. Hume, Lieut.-Col. and Mrs. Jones, Lady Vernon, J. Luttrell, Esq. Mr. Blunt, Mr. J. Wright, Mr. J. Wilson, Mr. Pryce, Mr. Campbell, Mr. W. and S. Elder, Major Roper, Mr. Hutchinson, Lord Wm. Fitzgerald.

The joy expressed by Her Majesty's household, on being informed that there was some improvement in Her Majesty's health, sufficiently

proved the regard they bore to their royal mistress, and the sincerity of their grief at Her Majesty's painful indisposition. The firmness of mind, and the calmness and resignation displayed by Her Majesty during the height of the inflammation, when the pain which she experienced was most excessive, and almost beyond human endurance, was truly astonishing: not a complaint escaped her. The medical attendants were of opinion, that but for her excellent constitution she must have sunk under the disease on Friday night, for nature was nearly exhausted by the most excruciating pain.

Notice was given at Brandenburgh House, that during the continuance of Her Majesty's indisposition, all inquiries must be made at the Lodge, to prevent the approach of persons to the house, and the consequent disturbance of Her Majesty.

Part of Sunday night Her Majesty enjoyed some little repose; and though no crisis had taken place, she appeared to be a little more easy than she had been on any night since the commencement of her indisposition. Towards morning Her Majesty again enjoyed some sleep, and it was the opinion of her physicians, that though not out of danger, the violence of her complaint had somewhat abated. At an early hour a considerable number of persons from Hammersmith and its vicinity, and several from London, had assembled outside the Lodge-gate, anxious to hear how Her Majesty had passed

the night. No official account had yet appeared, but the verbal answer to the inquiries was, that Her Majesty seemed a little better.

At half past ten o'clock the following bulletin was posted up at the Lodge :—

“ 10 o'clock, Monday morning.

“ Her Majesty has had some relief during the night, and her state is more favourable than it has been.

“ H. AINSLIE. PELHAM WARREN.
W. G. MATON. HENRY HOLLAND.”

The publication of this account, as it afforded some hope of Her Majesty's ultimate recovery, was received with unfeigned satisfaction, and was rapidly circulated by those who attended to make inquiries at the Lodge. It is scarcely necessary to add, that the pleasing intelligence was joyfully greeted in Hammersmith and its neighbourhood, and ultimately in London.

Soon after the bulletin was issued, Drs. Maton, Warren, and Holland, left Brandenburgh House for London; Dr. Ainslie alone remaining in attendance on Her Majesty. This was the first occasion since the commencement of Her Majesty's illness on which so many of her medical attendants were absent together, and the circumstance was looked upon as a proof at least that no immediate danger was apprehended. At half-past two o'clock Dr. Baillie arrived in a post-chaise and four. A messenger had been despatched for him on Sunday, who arrived at his country seat, Dunsborn, in Gloucestershire

(about ninety miles distant from London,) between two and three o'clock yesterday morning. The Doctor set off about five o'clock, and scarcely allowed himself a moment's rest till he reached Her Majesty's house. Immediately on his arrival he had an interview with Dr. Ainslie, and soon after, as we were informed, was introduced to Her Majesty's chamber. A short consultation took place between the two physicians, but its result did not then transpire. Dr. Ainslie soon after departed for London, leaving Dr. Baillie in attendance, who was joined in about an hour by Dr. Holland, and Mr. Thompson, Her Majesty's apothecary. It was expected that a bulletin would be published by three o'clock, but no bulletin was issued. The verbal answer given to the numerous inquiries at the lodge and the house was, that no change had taken place in Her Majesty's complaint since morning.

Up to half-past six o'clock, however, on Monday evening, no bulletin had been published; but the answers at the house were, that the Queen was much better. Dr. Baillie, who intended to remain at Brandenburgh House for the night, now fixed half-past eleven for his departure for town.

The whole of Her Majesty's household now appeared in the highest spirits, and were very sanguine of the result.

Up to nine o'clock no bulletin was published; but the accounts given at Brandenburgh House

continued to be favourable. Her Majesty enjoyed some sleep in the course of the afternoon, from which she appeared much refreshed. In the course of the day she was able to take a small quantity of Indian arrow-root, two or three times, and retained it on her stomach: she was also enabled to take her medicine in the afternoon, and this she likewise retained, which had not been the case hitherto. From the commencement of her illness up to yesterday morning, Her Majesty seemed to be of opinion that her disorder would prove fatal, but she on every occasion spoke of her expected dissolution with the most perfect resignation. For the first time she now appeared to entertain some expectation of her recovery, but she still mentioned it as if in doubt. On one occasion she observed, that she felt very much relieved, and wished to be taken out of bed for a short time, and placed sitting up in an arm chair. Her wish was complied with by her attendants, but it was not known at the time to any of her physicians. Her Majesty was thus seated in her arm chair when Dr. Baillie was introduced. She did not, however, remain long out of bed, and suffered no inconvenience from the exertion. Though the circumstances above mentioned denoted a favourable change in Her Majesty's complaint, yet, up to this hour, her medical attendants did not consider her out of danger; they had, however, great reliance on the strength of Her Majesty's constitution.

In consequence of the precarious state in which Her Majesty was still considered to be, Mr. Wilde delayed his departure for his circuit, and during the whole of yesterday remained at Brandenburg House; but his carriage was kept in readiness for setting out as soon as a favourable change in Her Majesty's disorder should be ascertained.

The inquiries respecting Her Majesty's health at Brandenburg House, and at Her Majesty's town residence, throughout the whole of Monday, were very numerous, and the names included some of the highest rank and fashion in town.

At a little after nine o'clock the whole of the Physicians had assembled, and after a consultation, they agreed upon the following bulletin, which, though dated at ten o'clock, was not published till a quarter to eleven :—

“ Her Majesty's symptoms still continue favourable.

“ M. BAILLIE. PELHAM WARREN.

“ H. AINSLIE. HENRY HOLLAND.

“ W. G. MATON.

“ Brandenburg-house, Aug. 6, ten o'clock, p. m.”

Immediately after the bulletin was agreed to, Drs. Baillie, Maton, and Holland left the Queen's house for London. As we were informed, it was intended that Drs. Warren and Ainslie should remain for the night in attendance on her Majesty. Though the above official account did not declare Her Majesty out of danger, yet this was

generally believed to be the case by the whole of Her Majesty's household : but in a complaint of such a nature as that with which Her Majesty was afflicted, nothing short of absolute recovery could warrant a declaration that the patient was out of danger.

The anxiety to obtain intelligence regarding the state of Her Majesty's health was as intense this day as upon any day since the commencement of her unfortunate illness. The first bulletin that was published in the course of the day, gave unfeigned pleasure to the inhabitants of the metropolis, as it held out hopes to them that the crisis of Her Majesty's disorder was past. Still the public mind was not entirely relieved from the fears by which it had been oppressed, owing to the despondent tones of the bulletins which had been previously issued. Numbers of well-dressed and respectable people, whose occupations prevented them from making personal inquiries at Brandenburgh House, kept hourly calling at Cambridge House and the Mansion House, to obtain as early as possible the latest information respecting Her Majesty. In order to allay the intense anxiety under which all classes of people evidently laboured, the following placard was posted on the doors of Her Majesty's residence in South Audley-street, at four o'clock in the afternoon :

“ Her Majesty is not worse, but continues in the same state as in the morning.”

And shortly afterwards the following brief notice was exhibited at the Mansion-house :—

“ Extract of a note just received from Lord Hood, dated Brandenburg House three o'clock, p. m., 6th August :—

“ ‘ There will be no bulletin until the evening ; but the Queen is going on favourably.’

(Signed) “ JOHN THOMAS THORP, Mayor.

“ Mansion-house, six o'clock, August 6.”

About nine o'clock in the evening Cambridge House was surrounded by a great number of respectable persons, who were waiting for the publication of the promised bulletin. The steps to the house were then crowded by several well-dressed individuals, and we were told that some of them had been sitting there for two hours previously, and had expressed their determination to remain till it was published. This circumstance, though trivial in itself, may serve to show how warmly attached the people still were to Her Majesty, in spite of all the efforts which had been made to deprive her of their affections.

“ Several unauthorized bulletins purporting to have been signed by the Physicians having appeared in the newspapers, it should be understood that none are authorized but such as have the names of the physicians actually annexed to them.

“ Brandenburg House, August 6.

“ HOOD.”

In proceeding with our circumstantial and minute details, we cannot perhaps do better than adopt the following correspondence from an eye-

witness, despatched during various periods of the awful evening of Her Majesty's dissolution :

Hammersmith, half-past three, p. m.

“ All here is alarm and confusion. A report is afloat that the Queen has had a relapse. No satisfactory answer can be obtained from the servants at Brandenburg-house. The morning bulletin still stands at the gate. It is this :—

“ The Queen has passed the night without sleep : Her Majesty's symptoms are not worse than yesterday.

“ M. BAILLIE.	PELHAM WARREN.
H. AINSLIE.	HENRY HOLLAND.”
W. G. MATON.	

Mr. Wilde, Dr. Lushington, and two of Her Majesty's Physicians, are now in consultation. The most positive orders are given that their conference shall not be interrupted.

A messenger is this moment despatched to Dr. Baillie.

Half-past four o'clock.

The evil news gains strength. The gates of Her Majesty's residence are surrounded. The household is in consternation. The principal domestics believe that there has been an important change, and fear that it is a change of an unfavourable nature. The inquirers are so numerous, that it is found necessary to prevent persons (except of rank, or on immediate business) from entering the avenue. Dr. Baillie is sent for, we understand, at Her Majesty's express desire.

Five o'clock.

Three Expresses have just passed at full speed through the town: they have all taken the road to London. The High-street is crowded with persons, each questioning the other, and all alike unable to give answer. The inhabitants of the town are running from all quarters towards Brandenburgh-house. Dr. Baillie is arrived.

A quarter past Five.

The ill tidings are confirmed. The following bulletin has this moment been issued:—

“ In the course of the morning, Her Majesty has suddenly become much worse.”

M. BAILLIE. HENRY HOLLAND.”

W. G. MATON.

This account, the more terrible as it was unexpected, scatters dismay in every direction. An express has been sent to the Lord Mayor with a copy of the bulletin.

Six o'clock.

Dr. Ainslie and Dr. Warren are here. Mr. Thompson, Her Majesty's apothecary, is also come. The Prince Equilano, Mr. Hobhouse, and Mr. Douglas Kinnaird, came in at a gallop about half an hour back; and a vast number of horse-men are hovering about Brandenburgh-house for intelligence. The medical men are now with Her Majesty.

We have been interrupted by a report of Her Majesty's decease. We mention the rumour to show the state of anxious feeling: it is wholly without foundation.

Seven o'clock.

Stories of every description are afloat; they are caught up by the stage-coaches passing through Hammersmith, and will, no doubt, by to-morrow morning, make their way to all quarters of the kingdom. Nothing authentic has transpired within the last hour.

Eight o'clock.

Matters remain in the same state. A messenger from the Duke of Sussex has been at Brandenburgh-house: he brought a letter, and, after waiting a few minutes, departed at full speed with the answer.

Nine o'clock.

The Queen's medical attendants are all in consultation: Lord Hood, Alderman Wood, Mr. Wilde, and Dr. Lushington, are with them. A bulletin is presently expected. We hear that Her Majesty is dosing, and that she is at present nearly or quite out of pain. It is but justice to the individuals who compose Her Majesty's household to say, that they are penetrated with the deepest distress on her account. The Queen, at least, may be truly said to have the blessings of those who eat her bread.

Ten o'clock.

No bulletin is yet issued. A few minutes since, the cry of women was heard in the upper apartments of Brandenburgh-house, but no immediate danger is announced. It is impossible not to be struck with the earnest yet cautious demeanour

of the persons (no matter what their rank) who are incessantly repeating their inquiries after Her Majesty's welfare. The only individuals who show themselves at the lodge are two decent, attentive, young women; and yet, notwithstanding the concourse of persons, and the eagerness for intelligence, not a question is asked above the tone of a whisper.

A messenger from the Duchess of Kent has been at Brandenburg-house. We hear that he carried back only a verbal message; it is said, a message of threatening import.

Half-past ten o'clock.

The struggle is over! Hope, fear, anxiety, are now alike at an end: CAROLINE, Queen of England, is no more!

The shock through the household was violent, almost to stupefaction. About five minutes ago, a Moorish domestic of Her Majesty burst, half frantic, into the vestibule; and at the same instant a loud and lengthened shriek from the female servants, as they rushed towards each other from their several apartments, rendered all explanation unnecessary to the horror-struck spectators. The cry of alarm was succeeded by a long and fearful pause. It was a pause of death-like silence—of a silence which every one dreaded to break. Even to the last fatal moment, spite of evidence to the contrary, all had hoped, and many had trusted, that she, their friend and mistress! would recover. The sobs

of the women were loud and unrestrained; the men covered their faces with their hands, and wept. It was long before any thing like regularity could be restored. For some time, all distinctions of rank appeared to be at an end; in this instance, the most eminent individuals present were seen walking about the house, forgetting to claim, and scarcely receiving, any thing like ready attention from their own servants. At length, the necessity of making certain arrangements produced the restoration (in some degree) of order; and we were enabled to collect a few particulars which may be relied upon as authentic.

At an early hour this morning Her Majesty's friends and servants were impressed with a full conviction of her speedy recovery. It would appear, however, that the expectations of the Queen herself were not so sanguine; for when Mr. Wilde requested leave to attend his professional duties on the western circuit, the Royal patient intimated her wish that he should remain. About noon unfavourable symptoms began to manifest themselves, and Her Majesty endured considerable pain: that undaunted resolution, however, which had conducted her in safety over nearly half the surface of the habitable globe, which taught her first to defy the threats, and then enabled her to baffle the machinations of her enemies—that noble determination did not forsake her even in her dying hour, and, if she

suffered severely, she suffered without a murmur. Opiates were administered, and for some time they had a consoling effect; but, at two o'clock, increased inflammation was visible to every one, and the post-haste attendance of the Physicians was desired. Drs. Baillie, Maton, and Holland, first arrived, and, under their direction, the bulletin dated half-past four o'clock was put forth. Dr. Ainslie and Dr. Warren presented themselves immediately after. At four o'clock Mr. Wilde was summoned to Her Majesty's chamber. At that time a marked alteration—an alteration which could scarcely be mistaken—had taken place in her appearance. The illustrious Sufferer herself seemed perfectly aware of the change; and, amid the tears of all who surrounded her, spoke with calmness and with resignation of her approaching dissolution. She thanked her friends for the care they had bestowed upon her; lamented her inability to reward their kindness as it deserved; and expressed the most perfect conviction, that in a few hours she should cease to need their attention. She commended her soul with humility, but with confidence, to her Creator; and trusted to meet that justice in another world which had been denied to her in this. Her Majesty adverted also to some highly important and interesting facts, with which we are not as yet fully favoured, and upon which we decline therefore, for the present, to enter. From four until seven o'clock the Queen continued

gradually to grow worse. Just before eight, she sunk for a short time into a doze. Soon after the eye became fixed, the muscle grew rigid, and a stupor ensued, from which Her Majesty never awoke. At twenty-five minutes past ten o'clock (after an entire absence of sense and faculty of more than two hours) nature gave up the contest; and, almost without a struggle, the Consort of GEORGE IV., and the reigning Queen of England, expired.

At half-past eleven o'clock the following bulletin was issued :—

“ Her Majesty departed this life at twenty-five minutes past ten o'clock this night.

“ M. BAILLIE. PELHAM WARREN.

“ H. AINSLIE. HENRY HOLLAND.”

“ W. G. MATON.

“ Brandenburgh-house, August 7.”

The persons present at the moment of Her Majesty's death, were Lord and Lady Hood, and Lady Ann Hamilton; Alderman Wood, and his son, the Rev. John Wood; Dr. Baillie, Dr. Ainslie, Dr. Maton, Dr. Warren, and Dr. Holland; Mr. Wilde, Dr. Lushington, and Mr. Austin.

Soon after the bulletin was delivered, all the medical gentlemen, except Dr. Holland, departed. Dr. Holland remained all night at Brandenburgh-house, as did also Lady Ann Hamilton. Numerous Expresses were sent off in different directions.

The sensation produced in the vicinity of Her Majesty's residence was deep beyond description. At midnight lights were moving in the windows of every house in the village of Hammersmith; the streets were filled by persons running to and fro, whither, or why, they scarcely knew; and circles collected round the door of every dwelling, discussed the dreadful event of the night with interest painfully acute. "The Queen is gone," was the observation with which each met his fellow. "Peace be to her soul! was the fervent prayer of thousands."

It was about twelve at night when the melancholy intelligence was received at Cambridge House. A crowd, amounting to about two hundred well-dressed persons, men and women, were then waiting for the arrival of the bulletin, some of them in front of the house of Alderman Wood, and the rest opposite Cambridge House. As the bearer of the bulletin drove up to the door of the latter, they all pressed around him, eagerly inquiring what news? The answer—"Dead!" excited a heavy groan; some of the females shrieked, and many burst into tears. Some flattering themselves that the account was not authentic, observed, that the bulletin was a copy, the signatures not being in the hand-writing of the several physicians whose names were subscribed; but this doubt only shewed the reluctance of the parties to credit the fact. The

bulletin was exhibited by the domestic of Her Majesty who has been in the habit of attending for the purpose, and to whom the bearer was well known.

Her Majesty's seal was placed upon all her papers and effects as soon as she had expired. The executors appointed to Her Majesty's will, were Dr. Lushington, Mr. Wilde, the Marquis Antaldi, and Signor Felice. The two foreigners are men of the highest respectability; the first a man of letters, the second a judge: they are both from Pesaro.

In about an hour after the death of Her Majesty the servants were admitted to see her, the body having been laid out, and a white covering placed over it to the neck. The alteration in her features was so great, that several of them could scarcely believe it was their late mistress. Lougos the black, whom Her Majesty brought from Africa (an orphan) was for some time inconsolable, and refused to take food. Young Austin was overwhelmed with grief, and indeed every member of the family.

The following Gazette was published on Wednesday Morning:—

SUPPLEMENT TO THE LONDON GAZETTE OF TUESDAY AUG. 7. WHITEHALL, AUGUST 8, 1821.—Yesterday evening, at 25 minutes after 10 o'clock, the Queen departed this life, after a short but painful illness, at Brandenburgh-house, at Hammersmith.

The following note from Lord Hood, an-

nouncing the death of Her Majesty, was posted up at the Mansion-house at nine o'clock the same morning.

“ Brandenburg-house, August 7.

“ Lord Hood has a duty to perform, and a painful duty it is, to report the death of the Queen, at twenty-five minutes past ten o'clock p. m.”

(Signed)

“ JOHN THOMAS THORP, Mayor.”

“ Mansion-house, August 8.”

On receiving Lord Hood's note, the Lord Mayor immediately sent directions to one of the Vergers of St. Paul's to toll the great bell; but this the Verger declined doing until he had other instructions. A message was then sent to Mr. Lingard, the Principal Verger, who said he must consult the Rev. Dr. Wellesley, the Residentiary Canon, on the subject. Mr. Lingard repaired accordingly to Dr. Wellesley, whose residence was at Chelsea, and having obtained his concurrence, the bell commenced tolling at one o'clock, and the example was followed by the bells of the different Churches in the metropolis.

The public manifestations of feeling on the calamitous event being first known, were perhaps never exceeded, and depict forcibly the strong and general attachment that pervaded all ranks of the community.

Hammersmith presented a most gloomy appearance. Soon after 12 on Wednesday night, the bell of the parish church began to toll, and its deep tones continued during several hours, at

intervals, to remind the inhabitants of their loss. It was not until near midnight that the fact of Her Majesty's decease was fully promulgated in the town. Persons left Brandenburgh-House almost instantly upon the event; but they were severally cautioned not to disclose the news, lest the assembling, at such a moment, of a large concourse of persons, might produce confusion, and impede the necessary arrangements. The whole neighbourhood for several hours afterwards continued restless and unquiet. Some persons wandered up and down in quest of particulars; others were busied in sending off intelligence to their friends. Private parties sat late in conversation; and many houses of public entertainment were not closed during the whole night. A different sensation prevailed next morning. Anxiety had given way to silent regret. The gates of Brandenburgh-House, on Tuesday thronged with visitors, were then deserted; persons paused for a moment, but passed on without inquiry. Throughout Hammersmith the shops of the tradesmen were shut; the windows of the private houses were half closed; the flag, hoisted half mast high at the church steeple, drenched with wet, flapped heavily in the wind; and the rain, falling in torrents, added to the *sombre* appearance of the scene.

These public tokens of sorrow for Her Majesty were not confined to the vicinity of her own residence. In Knightsbridge and Kensington—all

the way, indeed, from London to Hammersmith—the shop windows (with few exceptions) were closed; and lower down the road, similar symptoms of affection and respect were universally manifested.

In the Metropolis, the expression of feeling on the same evening was very general. The several Theatres were closed, and at noon there were not, in the long line of way between Blackfriars-bridge and the Elephant and Castle, a dozen shopkeepers who did not partially close the fronts of their dwellings. The few tradesmen who stood as exceptions were chiefly of the Society of Friends, whose religious tenets forbid them either to make merry or weep after the things of this world. Throughout the Lambeth Road, at Bermondsey, and at Camberwell, the same demonstrations of sorrow appeared. In many parishes the bells tolled during the whole morning.

An involuntary feeling of surprise was likewise excited, at seeing the houses of several of the most distinguished personages, who had taken a decided part against Her Majesty during her life-time, exhibit an appearance of sorrow on her departure for “another and a better world!” At the mansion of the Lord Chancellor, in particular, the shutters in the lower part of the house were quite closed, and in the upper part the blinds were drawn, at Carlton-House, the shutters in front were all closed. Most of the houses in St. James’s-square, including the late residence of

Her Majesty, were also in the same state; and similar marks of respect were observable, in a greater degree, perhaps, than might have been expected, in the other fashionable squares and streets. Somerset House, and the other Public Offices, were partially closed, but the business proceeded as usual.

Dr. Lushington and Mr. Wilde attended Lord Liverpool on Wednesday morning for the purpose of showing the Will, and taking instructions as to the funeral of Her Majesty. All that transpired was, that his Lordship said he should give orders to prepare a squadron to convey Her Majesty's body to Brunswick, according to the request in her Will.

On Wednesday, at one, a messenger was sent to the King's Upholsterers, to attend at Cambridge House, for the purpose of receiving orders for the coffin of Her Majesty, and the funeral paraphernalia. At twenty minutes past one, a gentleman arrived for that purpose.

Wednesday, at about half past two o'clock, the Earl of Liverpool, the Earl of Westmorland, and Viscount Melville, had a meeting with the Chancellor of the Exchequer, at his house in Downing Street. They continued in consultation about an hour, and then adjourned to the Secretary of State's office for the Home Department, to meet the Lord Chancellor. The assembly consisted of all the Cabinet Ministers in London. Mr. Hobhouse, the Under Secretary of State for

the Home Department, acted for Lord Viscount Sidmouth during his absence, his Lordship having gone to Ireland. The deliberations of the Cabinet Ministers at the Home Office continued for half an hour. Soon after four o'clock, Mr. Dykes, the King's messenger, left the Home Office to proceed to Ireland with dispatches for the King.

On Thursday the shops throughout the metropolis were more generally closed than they were on the preceding day, especially at the west end of the town.

All the ships in the river had their flags half-mast high, since Wednesday morning, with the exception of the Government tender, lying off the Tower; but this vessel also lowered its flag since.

At the demesne at Brandenburgh House and its environs, the scene was so silent and so sad—there was such a profound repose in every thing, that the observer felt it “the sabbath of the dead.” What a different scene did this neighbourhood present a few short months ago! Then all the roads were filled—thousands and tens of thousands of gaily-dressed persons in carriages, on horseback, and on foot, all wearing the white cockade, and pressing forward to pay their congratulations at the feet of Her Majesty, whilst innumerable bands of music, the ringing of bells, and the thunder of cannon, were heard on every side. Now all was quiet as the grave—the only vestige of all the pageantry being the British

standard, still floating on the humble tower of the church at Hammersmith; and even that mournfully lowered beneath a long streamer of black crape.

Mr. Wilde, and Mr. Fox, of Doctors' Commons, were the only arrivals at Brandenburgh House this day, and they remained till a late hour in the evening.

In the course of the day the body was wrapped in sear-cloth by Mr. Thompson, Her Majesty's Apothecary, and his assistants, in the presence of Dr. Holland; and between eight and nine o'clock in the evening it was placed in a shell of cedar wood, made by Mr. Busch, agreeably to Her Majesty's desire. The embalming, and the ceremony of lying in state, were both abandoned. The exterior coffin was made, not at Messrs. France and Banting's, as erroneously stated, but at Messrs. Bailey and Saunders', in Mount Street, upholsterers to His present Majesty. Messrs. France and Banting were the upholsterers of the late King. The coffin was of garter-blue velvet, with silver-gilt decorations, in the usual style of royal coffins. All the other preparations for the interment—such as the order of the ceremony, the mourning, whether of the Royal Household or the public—and even the place of sepulchre, waited the orders of His Majesty, in answer to the despatches which were sent after the Court by the Cabinet Council holden on Wednesday.

On this day (Thursday) a considerable change

took place in the appearance of the Royal corpse. The day before, nothing could exceed the calm dignity of Her Majesty's face, and we have reason to believe that an eminent artist was employed to take a cast of the features. This day, that gradual decomposition took place, which, considering the violence of Her Majesty's disorder, it was wonderful had not taken place sooner, and it would not have been possible then to do justice to her fine expressive countenance. The remains were this night consigned to a cedar coffin, and Lady Hood and Lady Ann Hamilton alternately remained in the room, thus showing themselves as attentive to their dead as they were to their living mistress.

The noblest panegyric which we can make on the Royal victim of slander and persecution, is to record her behaviour during the last trying scene of her existence. Our statement shall be unmixed with a single comment, and scrupulously and anxiously free from all exaggeration or heightened colouring. When Her Majesty's illness first assumed a serious character, Dr. Holland requested her permission to send for another physician, observing, that whatever might be his own individual skill and attention, yet the public would necessarily expect, in the case of a Queen, that every possible aid should be had recourse to. Her Majesty answered with a smile to the following effect—"My dear Doctor, do what you please: if it will be any relief to

your own mind to call in assistance, do so : but do not do it for my sake : I have no wish to live ; I would rather die." Indeed, from the first moment that Her Majesty was assured of the very serious nature of her indisposition, she clung to the assurance with joy and gratitude, and listened with a reluctant ear to the hopes of recovery which her physicians and friends held out to her from time to time. "Why do you wish me to live?" she exclaimed on one occasion in the early part of her illness; "life to me can be nothing but a series of sorrows and persecutions; I shall be much happier in another world than in this." It was observed, that she desponded too much; that public opinion was in her favour, and would make her amends for all her sufferings. Her Majesty asked "what public opinion had done for her." It was answered, that it had defeated that late dreadful attempt to ruin her—the Bill of Pains and Penalties. Her reply was prompt and firm—"What am I the better for the failure of that bill? If it had passed, I should have been degraded; and what is my situation now? I have indeed the empty title of Queen; but am I Queen of England? Have I the privileges, the power, the dignities of a Queen of England? No, no: I am a mere private person—I am not Queen of England." It will be recollected that on the previous Friday the symptoms of Her Majesty's disorder had become very alarming, and the physicians had scarcely any

hope of her recovery. She received the announcement of her danger with admirable calmness and composure; and shortly afterwards proceeded to make her will. There was an air of cheerfulness about her after she had signed it, which induced one of her professional advisers (we understand Mr. Brougham) to express a hope that she felt herself easier and better. Her Majesty answered, "Oh, no, my dear Mr. Brougham, I know I shall die, and I do not at all regret it." Mr. Brougham said, that he was of a different opinion, and expected Her Majesty to recover, but added, that the step she had just taken was perfectly proper in case of accident. Her Majesty persisted in saying, that she knew she was dying. In the course of the evening she took occasion to say—"I do not know whether I shall suffer bodily pain in dying, but I can assure you that I shall quit this world without regret: I have no great reason to be attached to life."

On Saturday and Sunday, in spite of some favourable symptoms which inspired the physicians with hope, she still expressed her firm conviction that she should die. She seemed to feel pleasure in talking on the subject, and rejoiced in anticipating her release from trouble—her escape from the malice of her enemies. She said, that in this world, whether in England or abroad, the rancour of her persecutors would always beset her: and it was only in another world she could look for peace and justice. She expressed the

deepest regret that she was so little able to reward those faithful servants who had stood by her in her difficulties; but hoped that Government would not let them want. She declared herself warmly grateful—and hoped her gratitude would be made known—to that generous portion of the people of England whose support of her had been most steady when most wanted, and who had never been frightened from her cause either by the power or the calumny of her oppressors. “England,” said Her Majesty, “has certainly been to me a land of sorrow and persecution, but I know how to love those faithful English who have always sympathised with my sorrow, and have done all in their power to defeat the malice of my persecutors.” It was on this occasion that she observed that her enemies had been for years plotting and conspiring to destroy her: “at last,” said she, “*they have destroyed me*, but I forgive them. I die in peace with all mankind.” Shortly after, she sent for Mariette Brune, to whom (as we mentioned before) she declared her perfect forgiveness of her sister’s (Demont’s) cruel falsehoods. All who had an opportunity of seeing Her Majesty were struck with the glorious trait in her character, that though her heart was evidently broken with the recollection of the deep injuries she had received, and though an indelibly strong image of the injustice of her enemies was always present to her mind, yet she never used a harsh

or angry expression against any individual : she freely forgave them all, spoke of them in terms of pity, and even made allowances for their conduct on the score of the weakness and frailty of human nature.

On Monday night, it will be remembered that her Physicians seemed to consider Her Majesty out of all danger : she was informed of their opinion, but insisted that they were mistaken, adding, she felt she was dying, and thought she should die before nine o'clock the next evening. It is not improbable that Her Majesty then felt the symptoms of incipient mortification. She sent for Mr. Wilde, who was in attendance, and added a codicil to her Will : we believe it related to the place of her interment. Her first wish was to be buried in the same grave with her beloved Daughter, but, added she, " I can have little hope that the Government will grant this wish : I desire, therefore, to be buried in the same vault with my father and brother at Brunswick." When Her Majesty had signed this codicil, she began to converse at considerable length with Mr. Wilde : the physicians fearing that conversation might disturb her, wished to withdraw Mr. Wilde from the room, and that gentleman, from the same motive, was anxious to go : but Her Majesty begged him to stay. " I thank my Physicians," she said, " for their kind intentions : they mean nothing but what is right ; but they do not understand my character. They think that it agitates

me to talk of death: they are mistaken; to me, who have little pleasure in the past, and no prospect of future tranquillity in this life, it is a pleasure to contemplate my approaching death; and why may I not speak what I feel?" All these observations were made with such sweetness of manner and such calmness of tone, as to make an impression never to be effaced from the minds of those who were present. The night between Monday and Tuesday was passed without sleep, owing, it is believed, to that restless anxiety which usually accompanies the process of mortification. On Tuesday afternoon about one, she again sent for Mr. Wilde and Dr. Lushington, and again conversed on her usual topics. Alluding to the few friends who had remained constant to her to the last, and for whom she expressed the most grateful regard, she took occasion to observe, that her adversaries had put in practice two modes of separating worthy people from her society: one was to deter them from visiting her by propagating the most atrocious calumnies against her and them: the second was, when they saw her surrounded by persons of honour, to endeavour by anonymous letters, and all means in their power, to poison her mind against them, in order to induce her to break with them. "Against the first mode of attack," said Her Majesty, "I could have no help: the second plan I soon detected, and therefore defeated." She then alluded to the practice of

opening the body after death, and said that she saw no occasion for the operation in her case, and wished it not to be done. She then begged that she might not be made a show of after her death. "There has been," she observed smilingly, "quite enough of that in my lifetime; besides, there are persons who kept aloof from me when alive, who may have no objection to see me when dead, and there is no good reason for satisfying their curiosity." She then again adverted with great regret to her inability to bestow adequate compensations on her servants, or remembrances on her friends; but said their services and kindnesses were deeply written on her heart. Mr. Wilde then left her for some time. About four o'clock an access of fever came on, which operating on a frame already almost exhausted, produced for a short time a greater exultation of spirits than she had yet manifested: during this period she expressed herself with more vehemence of manner, but still with the same forbearance of language, touching the cruel conspiracies of her inveterate foes: but the fever soon subsided, and she recovered her usual gentle tone, her usual calm and firm demeanour: she was again all resignation to the will of God. A drowsiness then came on which lasted till nearly 8 o'clock; when she suddenly awoke, and observing by her bed-side Dr. Holland, who, during her illness, had often expressed a hope of her recovery, said with a smile

and accent of the greatest sweetness—"Well, my dear Doctor, what do you think now?" Her Majesty soon afterwards became insensible, but remained alive for above two hours, showing by her breathing, a vigour of the lungs and of the heart, which the physicians said exceeded any case they had ever witnessed. At length, at twenty-five minutes past ten, her heroic and persecuted spirit fled to the region of truth, and justice and peace. The anguish of her friends, the agony of her servants, we have before described; and have only to add, that the physicians betrayed emotions of grief not often seen among the professional attendants of a death-bed. We have thus given a plain unvarnished narrative; let the people of England make their own comment.

We cannot here omit the admirable reflections of a most able writer of the day, on this lamentable and heart-rending event.

No visitation of Providence is without its use. The melancholy death of the Queen has been the means of shewing two things: first, the profound esteem and unabated love of the people of England for her Royal person: and secondly, the high degree in which she merited that esteem and affection. Deeply convinced as we always were that Her Majesty had never done any thing to forfeit the public regard, yet there might be some who needed the late dreadful ordeal, to enable them fully to appreciate the exalted

excellence of her character. Who can be any longer a sceptic as to her real worth, when he considers the manner in which Her Majesty bore her last sufferings, and contemplated the approach of death? When the awful sentence passed upon our nature was at the point of execution,—when the King of Terrors was at hand, and the prey within his grasp,—was there at that dreadful moment any anxious apprehension, any fearful misgiving, any sinking of courage or failure of confidence? No: on the contrary, all was magnanimity, serenity, and peace. May Her Majesty's enemies be able to quit the world in the same manner as she did! This was the worst wish of the Queen's heart towards her worst persecutors, and the time is fast approaching, when even the youngest of them must be placed in her situation, if not snatched away by a sudden death. The inferences to be drawn from the conduct of a dying person cannot deceive; the declarations of such an one are evidence in a Court of Justice: but actions speak infinitely more than words, and we appeal with melancholy pleasure to the whole tenour of her behaviour from the first moment that her illness became dangerous, to the time when she ceased to be sensible. But we should remark, that while this Christian heroine was by her magnanimous conduct winning the admiration of all who witnessed it, she seemed herself perfectly unconscious of the feeling she was exciting: she was

natural and unaffected; and did and said every thing in her usual manner: and while developing the most astonishing traits of generosity, benignity, courage, and resignation, showed that they belonged to her proper nature, and cost her not the slightest effort. We shall mention two circumstances as illustrating her conscious innocence, and the sweetness of her disposition. On the Saturday night previous to her death, when her professional advisers were talking with her respecting her worldly affairs, one of them suggested the propriety of sending a messenger to Italy to seal up her papers, to prevent their falling into the hands of her enemies. "And what if they do?" exclaimed Her Majesty, "I have no papers that they may not see: they can find nothing, because there is nothing, nor ever has been, to impeach my character." Her legal adviser said he was perfectly aware of that; but he could not but believe that her enemies might put there what they did not find. She replied, "that she had always defied their malice, and she defied it still."

The other anecdote shows how careful she, whom almost all parties and persons had in turn wounded, was of wounding the feelings of others. To amuse herself she was generally occupied two or three hours of a morning, in committing to a diary various reflections on the events of the preceding day, and as she had a great relish for humour, she had (as she herself asserted) some

times indulged herself with recording any peculiarity of character that forced itself on her notice. Her Majesty said that the sole purpose of this journal was to while away a few hours of time that sometimes hung rather heavily, and that the purpose having been answered, it was now proper to destroy the book, especially as, though written with no such intention, it might cause pain where she should grieve to produce any thing but pleasure. She therefore ordered Mariette Brune to burn the diary, and the girl accordingly burnt it. Those who knew the tact, the unerring sagacity, with which Her Majesty appreciated the characters of people almost at first sight, with the singular point and spirit of her phraseology, will regret the destruction of this manuscript as a serious loss, but all will admire the delicacy of mind which dictated its destruction.

On Friday the 10th, the respectful tribute paid by the citizens of London to the memory of their Queen was more general than it was immediately upon her decease. In Fleet-street, the Strand, Piccadilly, Pall-mall, and the intersecting streets, we did not see a single shop the windows of which were not partially closed : many were shut up altogether ; and at the east end of the town the expression was equally decided. Many persons already appeared in black ; certainly no Court order was necessary to make the mourning universal. These open demonstrations of regret

have their value, because they broadly give the lie to those who had insulted and libelled the Queen, and who would (if they could) have misrepresented the state of public opinion : for the rest, it is not pomp of outward show, " nor customary suits of solemn black," that can denote the feelings of the British people truly.

Thursday morning the body of Her Majesty having been enveloped in a sear-cloth, and attired in a shroud, was placed in a cedar shell. Lord and Lady Hood and Lady Ann Hamilton were present while the body was put into it. The whole of Her Majesty's household and Alderman Wood's family were in deep mourning. Mr. Wood, the son of the Alderman, arrived about twelve o'clock on Thursday morning at Brandenburgh House, with directions from his father. On the arrival of the orders of the Privy Council at the Lord Chamberlain's Office, despatches were transmitted by the Council for the return of Mr. Mash and others from Ireland, to attend to the preparations for the mourning to be worn by the Royal Family's servants. Several persons called at Brandenburgh House, and expressed a wish to see the remains of Her Majesty ; but, in compliance with Her Majesty's wish " not to be made a show of," it was thought proper to refuse the applicants their request. Her Majesty's body decomposed so rapidly, that it became necessary to enclose it immediately in a lead coffin.

An anxious observer of the state of Her Majesty's mind in the latter melancholy period of her life, has transmitted to us the following remarks :—

“ She has fallen the victim of the most cruel and unrelenting persecution : she must have been more than woman, more than mortal, not to have felt her wrongs ; she was a heroine, and suppressed them ; all but those who have an interest to say otherwise, must believe and affirm that she literally died of grief ; for the disease which brought her to the grave was occasioned by the suppression of sorrow. Apparently she was ever the gayest of the company, the life of the house she made so happy, by her kindness and affability. She would not that even her friends, her dearest friends, should know how much she suffered ; but it is difficult always to deceive the anxious eye of affection and devoted friendship ; and those who were most with her, and knew her best, saw with pain that her spirits were all forced—that her gaiety was not that of the heart—that she suffered most deeply, and felt all her wrongs with the most bitter anguish, the more heart-rending that she would not admit the sympathy of friendship, for she would never own her grief ; yet, sometimes, when to a casual observer she appeared to be fully engaged at any amusement she was fond of, when she seemed the most free from care or thought, those who watched her every look with the anxious eye of devoted

attachment and fidelity, have seen the tear of silent agony steal down her cheek, when she thought no one was near who could observe that the Queen of England wept at the cruelty of her malignant enemies. Few things during the last year of her trials and sufferings gave her so much pain as the circumstance of her refusal to accept of the grant from parliament. She had originally determined in her own mind to accept it, as the first gracious act of the Sovereign towards her; but she was otherwise advised, and she yielded to that advice. But the severest blow to her feelings was the necessity which forced her for once to submit to retract what she had said: firm as she was of purpose and always decisive, to yield to her enemies inflicted a wound she never recovered: and what gave more anguish still, was the thought that her enemies would in triumph exclaim "She had yielded." And for what? For money; which she cared not for; and which, at last, she only accepted to enable her to pay her debts: for, at the moment she agreed to accept the money from parliament, she had not 10*l.* in the house to defray the common expenses of the day, and nothing at her banker's. She expected that on her agreeing to take the grant, government would have given her a house and some outfit for her establishment, when she would have paid all her debts and have been quite satisfied as to pecuniary affairs, for she never valued money for her own

personal gratification. Instead of this, they deducted upwards of 4,000*l.* which they had paid for a carriage and house-rent."

The following connected account of the progress of Her Majesty's illness, from another attendant, may help to throw additional light on this interesting and important subject:—

Early in last week Her Majesty felt herself greatly indisposed, in consequence of having taken a very large dose of magnesia, which was supposed to have created an obstruction in the bowels, which was followed by inflammatory symptoms. On Thursday last she was attended by three physicians, Dr. Maton, Dr. Warren, and Dr. Holland. In the course of that day Her Majesty was copiously bled; she passed a quiet night, but her symptoms remained the same. The following day she was immersed for about a quarter of an hour in a warm bath, which moderated the pain, but in other respects was unavailing. Connected with the inflammation of the bowels was a nausea at the stomach, which repelled both food and medicine. Another physician, Dr. Ainslie, was now called in, and Her Majesty's legal advisers, most of whom were on the point of setting off for their different circuits, also attended for the arrangement of her property and other legal matters; and it is understood that her Will was then drawn up. She

passed an indifferent night, but towards the morning of Saturday obtained some tranquil sleep, and in the course of the day was able to keep some gruel on her stomach. She slept great part of this day, which induced some observers to believe that an inward mortification had commenced. She, however, continued tolerably easy, and passed that night better than the preceding one ; but Sunday produced no apparent change in her symptoms. In the course of this day, Dr. Baillie was sent for by express to Gloucestershire. During the night of Sunday she had some relief, and, for the first time, hopes began to be entertained that she had passed the crisis of her disorder. In the morning of Monday her state was certainly more favourable than it had been. At half past two o'clock on that day Dr. Baillie arrived, and immediately held a consultation with the four other physicians. Her Majesty had been bled with leeches, and found herself able to retain on her stomach a little arrow-root, and some medicine ; she had also, at her own request, been raised from her bed, and was seated in an arm-chair when she was first seen by Dr. Baillie. From these and other circumstances the medical gentlemen viewed the case in a more favourable light than they had before done, but hesitated to pronounce the Queen out of danger ; though, as was natural, the hopes of her domestics, and others personally interested in her recovery, outstripped the caution

of the physicians. Still Her Majesty was extremely weak and feeble from her long and acute sufferings, and the small portion of sustenance that she had been able to take: and when she spoke (which she did relative to the disposal of her property and other matters) she was very faint, and felt it necessary to be revived from time to time by a smelling bottle. On Tuesday morning it was evident Her Majesty, after a sleepless night, had suffered a relapse, or rather that the favourable appearances of the day had been merely delusive. The primary cause of suffering had, in fact, been permitted to go too far before medical advice was resorted to; and the disorder was, therefore, much beyond the power of medicine when it was first attempted to be relieved. At this time the Queen herself gave up all hope, and declared she could not survive the day. About noon she complained of violent pains in the abdomen, which were shortly followed by convulsion; a strong opiate medicine was now administered, which allayed the pain for a moment, but produced for an hour or two a disposition to dose. About three o'clock the pains returned, attended with the most alarming symptoms. Every means that skill and attention could devise were now employed by the physicians, but it was all in vain. About four o'clock Her Majesty became rapidly worse, her respiration was difficult; about eight she sunk into a state of entire stupor, and having lain for

two hours and twenty-five minutes in that state, at length breathed her last.

The following anecdote illustrates Her Majesty's kind disposition, and the complacency with which she regarded the termination of her life:—"The Queen told the domestics that attended her on Sunday last, that she wished Mr. Busch to come to measure her for her coffin; she asked again if he was come; the servants made excuses; she told them he must make the shell of cedar wood. Mr. Busch had done a little work for her in cedar wood (a bookcase) at Connaught-place, before she left England, and lately she gave him an order to make a writing-desk of cedar wood, an exact copy of one she had bought at the late Duke of Kent's sale; this was made, and when finished, sent to her house in South Audley-street; and she ordered the one bought at the Duke of Kent's to be sent to Mr. Alderman Wood, because she had heard that he had given an order to Mr. Denew, the auctioneer, to purchase the desk, as he was anxious to have it as a relic of the Duke of Kent, having seen him frequently writing at it. This was twelve months ago, and Mr. Alderman Wood had never thought of it, until she sent the desk. But this was Her Majesty's disposition; she was always planning to do some kind act. The executors having seen Lord Liverpool, and the government undertaker being ordered to arrange for the funeral, they have complied with

Her Majesty's wish. Mr. Busch was sent for, and made the shell."

The announcement of Her Majesty's death by the different conveyances on Wednesday morning from London, within fifty miles of the metropolis, was received with unfeigned sorrow. The shops at Ipswich, Colchester, Rochester, Canterbury, &c. &c. were instantly closed, and it was agreed to keep them so, partially, till after Her Majesty's funeral.

The line of houses from the Pulteney Hotel, westward to Hyde Park-corner, were shut up, with two exceptions—one of them the mansion of his Grace the Duke of Wellington. The residences of the Duke of Devonshire and Lord G. Cavendish were quite closed.

A Common Council was appointed to be held on Tuesday the 14th, relating to the subject of Her Majesty's decease; and several other bodies also gave notice of meetings for a similar subject. Among these, the inhabitants of Hammersmith, who had been always conspicuous for their attachment to their persecuted Queen, were anxious to pay the last public tribute to her memory. The following requisition was signed by many of the most respectable individuals in the neighbourhood —

" We, the undersigned Inhabitants of this hamlet, request you will forthwith call a public meeting to consider the best means of evincing the respect of the inhabitants at large for the

memory of Her Most Gracious Majesty the Queen Consort of George IV.

"To Mr. James Gomme, Churchwarden, of Hammersmith,
Aug. 10, 1821."

In addition to this, the annexed Circular was sent to the gentlemen who formed the Committee for arranging Her Majesty's escort from Hammersmith to London on the day of her visit to St. Paul's :—

"SIR,—You are requested to meet the rest of the Gentlemen of Her late Majesty's Escort Committee at the Hammersmith Coffee-house on Saturday evening, at eight o'clock precisely, to adopt such steps as may appear necessary in order to pay the last tribute of respect to Her Majesty, by forming a procession to attend her funeral.

"I am, Sir, your humble servant,

"Aug. 10, 1821.

"J. BOWLING, Chairman."

The following Circular had been issued to the gentlemen who formed part of the late procession to St. Paul's :—

"Freemasons' Tavern, Great Queen-street,

"Lincoln's-inn-fields, Aug. 9, 1821.

"SIR,—In consequence of the unexpected and lamented death of Her Most Gracious Majesty the Queen, I am directed by the Committee to request the favour of your attendance at a meeting, proposed to be held at the Freemasons' Tavern, on Saturday evening next, at seven o'clock precisely, for the purpose of adopting such arrangements as may be deemed suitable to testify to the world, the last mark of respect we shall have an opportunity of paying to the memory of the illustrious deceased.

"I have the honour to be, Sir,

"Your most obedient servant,

"THOMAS BANSON, Hon. Sec."

These were not the only public testimonials of the love and veneration in which Her late Majesty was held. At a meeting of the Vestrymen of the parish of St. Sepulchre, London, it was unanimously resolved, that the parish church should be hung with black, in the same manner in which it was on the death of the late Princess Charlotte, and this example of proper feeling was soon followed by others.

While these melancholy preparations were going on to express the feelings of the public on this calamitous occasion, the official arrangements for the funeral proceeded but slowly. Indeed, none had yet been commenced except such as were indispensable. Mr. Holroyd, attended by some of his men, repaired on the 10th to **Brandenburgh-house**, by order of the **Board of Works**, for the purpose of soldering down the leaden coffin in which the cedar shell containing the royal corpse was placed. The melancholy task was performed in the presence of Mr. Alderman Wood and some of Her Majesty's upper domestics, who thus took their last view of their beloved mistress. The body had not undergone so great a change as might have been expected from the nature of Her Majesty's disorder. The features still bore a considerable resemblance to the placid yet dignified look for which in life they were remarkable. After the body was thus forever shut from human eye, a black pall was thrown over the coffin.

The same day, an interview took place at the Home Department Office, between Sir G. Naylor, of the Heralds' College, and Mr. Hobhouse, the Under Secretary of State, for the purpose of making some necessary preparations, and for issuing orders for regulating the procession on the removal of Her Majesty's body from town to Harwich. Mr. Thomas, of the Lord Chamberlain's Office, and Mr. Bailey, of the house of Bailey and Sanders, His Majesty's upholsterers, &c. subsequently had an interview with Mr. Hobhouse, and it was determined to proceed with the funeral preparations only as far as would be requisite, whether His Majesty should decide that Her Majesty's remains should be interred either at Windsor or Brunswick. Her Majesty's coffin (the interior one) was lined with white satin, the bottom covered with a satin mattress, and a pillow of the same at the head. Her Majesty, prior to her dissolution, expressed a wish to be buried in a night-dress of her own, and not in a shroud: her wish was complied with, and Mr. Bailey and his assistants, in the presence of Lord Hood, Lady Hood, Lady Hamilton, Mr. Wilde, Alderman Wood, &c. removed the body from the board on which it was laid out, into the coffin; it having been previously attired in the grave clothes, viz. a long white linen night-gown with a frill round the neck, and a plain cap on the head.

The outside coffin was made of fine mahogany, covered with crimson velvet, with gold furniture,

and ornamented with gold nails, placed in the form of diamonds on the sides, the lid and ends corresponding. The cedar coffin was very superb, and precisely of the same size, form, and materials, as that of Her late Majesty.

On the day upon which Her Majesty honoured Drury-lane theatre with her presence, she was more than usually unwell, and her confidential attendants strenuously endeavoured to prevail upon her not to visit the theatre. Her Majesty, however, said she did not like to cause disappointment to a single individual, and she was determined to go. Towards evening she appeared still more indisposed, but this did not alter her purpose. Shortly before she left home she took a considerable quantity of warm water, with the usual effect, and she seemed much better. The ride to the theatre, however, appeared to discompose her, and on her return she was worse than she had been before, and the symptoms of disease from that time hourly gained ground.

The conduct of the Queen's enemies with respect to the Funeral, was at least consistent: every paltry slight and mortification that could suggest themselves to petty minds were inflicted on her in her lifetime; and the same vexatious conduct was now pursued towards her deceased Majesty's representatives. The Queen's household and her executors complained with great justice of the indecent hurry with which it was

proposed to send away Her Majesty's remains. It was at first required that the body should be moved on Monday, but this was represented to be absolutely impossible. After a delay of one day for the removal had been obtained with much difficulty, it was ordered that the procession should be only two days on the road, and that the embarkation should take place on the second day. As the distance of Harwich from Hammersmith is not less than 80 miles, it is evident that the journey could not be performed in two days, except in that precipitate pace which is never adopted even at the funeral of the meanest individual. And what was the meaning of all this haste? The unworthy excuse offered by government was, that it was the Queen's own wish to be removed in three days: as if Her Majesty could have wished that her remains should be hurried away in any manner inconsistent with the decorum even of the most common funeral; as if, in fact, she meant any thing more than that she should be removed with all reasonable speed from the land of those persecutors who she felt would not allow her to sleep in the same grave with her beloved daughter. No: the real reason of all this haste was, that every day previous to the funeral was a day lost to the festivities of Dublin, which His Majesty was about to visit, and the moment the body was embarked was to be considered the completion of her obsequies,

and the late Queen would then be as though she had never existed!

HER MAJESTY'S WILL.

THIS is the last Will and Testament of me, Caroline, Queen-Consort of the United Kingdom of Great Britain and Ireland:—

I revoke all former wills.

I constitute and appoint Stephen Lushington, Doctor of Laws, and Thomas Wike, Esq. barrister at law, trustees and executors of this my will.

In execution of all powers given me by the will of my late mother, Augusta Duchess of Brunswick Lunenburgh, I appoint, limit, give, devise, and bequeath to my said trustees, all my right, title, and interest under the said will, and also all the rest of my property, real and personal, debts and effects, of whatsoever nature or kind soever, and wheresoever situate, upon trust to receive and collect the same; and, when collected, convert into money, and invest it at their discretion in the funds of the United Kingdom, or otherwise; and, upon further trust, to pay the principal of the whole of the said trust property to William Austin, who has been long under my protection, on his attaining the age of 21 years; and, in the mean time, to pay the interest and proceeds of the same, or so much thereof as to them may seem meet, towards the maintenance and education of the same William Austin: And I do declare that my said trustees and executors shall not be chargeable in respect of the default of each other, or of any agent employed by them or either of them, but only for their own respective receipts, acts, and wilful defaults. I also give and bequeath to my said executors, to be disposed of according to their will and pleasure, all and every my documents, manuscripts, papers, writings, and memoranda, wheresoever being at the time of my death.

CAROLINE R. (Seal.)

Signed, sealed, and published this 3d day of August, in the year 1821, at Brandenburg House, in the presence of

H. BROUGHAM.

HENRY HOLLAND, M. D.

THOS. DENMAN.

HOOD.

This is a Codicil to my Will, dated this 3d day of August :—
 I give all my clothes here and in Italy to Marriette Brun. I direct that a particular box, by me described, be sealed with my seal and delivered to Mr. Obichini, of Colman-street, merchant; and I acknowledge that I owe him 4,800*l*. I wish that government would pay the 15,000*l*. the price of my house in South Audley-street. I desire to be buried in Brunswick. I leave my coach to Stephen Lushington, my executor; my landaulet to John Hieronymus.

CAROLINE, R.

Witnesses,

HOOD.

T. DENMAN.

H. BROUGHAM.

HENRY HOLLAND, M. D.

This is a Codicil to my last Will :—

I give to John Hieronymus and Marriette Brun all my bed and table linen, which has already been used. I give to Louis Bischi, the sum of 1,000*l*., and an annuity of 150*l*. per annum, payable half yearly. I give the large picture of myself and late daughter to the Cardinal Albano. The half-length picture of myself to Lady Anne Hamilton. I give the picture of myself, which is a copy of that given to the city of London, to my executor, Stephen Lushington. There are two pictures remaining, of which I bequeath to the Marquis Antaldi that which he shall choose; and the remaining one to William Austin. I give to the Viscount and Viscountess Hood, 500*l*. each. I have already given to John Hieronymus one carriage; I also give him the other open carriage. I declare that my interest under my mother's will is given to William Austin, as a specific legacy. I desire and direct that my body be not opened, and that three days after my death it be carried to Brunswick for interment; and that the inscription upon my coffin be—"Here lies Caroline of Brunswick, the injured Queen of England."

CAROLINE, R.

Signed in the presence of

HENRY HOLLAND, M. D. August 5, 1821.

A Codicil to my last Will :—

I give and bequeath to William Austin, all my plate and household furniture at Brandenburg House, and also all unused linen.

I direct my executors to make application to his Majesty's Government to pay to them such sum of money as at the time of my decease I may have paid, or which they may be called upon to pay, for the purchase of my house in South Audley-street ; and I give and bequeath — sum of money, as my said executors shall procure and obtain in that respect unto them my said executors, in trust for William Austin, according to the provisions of my will : such sum to be considered a specific legacy. And in case the Government shall refuse to repay such sum, I direct my executors to sell my interest in the said house, and also the furniture and things therein. And I give and direct the proceeds thereof to be paid and applied to and for the use of the said William Austin in like manner, as a specific legacy ; but in case the Government shall repay the purchase money of the said house, in that case, the proceeds which may be realized by the sale are to fall into the general residue of my estate. Dated seventh day of August, 1821.

CAROLINE, R.

Witness, HENRY U. THOMSON, Kensington.

FUNERAL PREPARATIONS.

The preparations for lying in state were continued throughout Sunday, and occasioned some inconvenience to the inmates of Brandenburgh-House. Though on a very limited scale, they were not completed on that day, and, consequently, the numbers that proceeded from all parts of the town to witness that solemn and imposing ceremony, returned disappointed. It may be proper here to remark, that the executors and personal friends of Her Majesty, during her lifetime, having been apprized that Her Majesty's remains would certainly be removed for inter-

ment on Tuesday, applied to Lord Liverpool, to postpone it till Wednesday or Thursday, on the ground that sufficient time would not be allowed to the mourners for preparation. This application was refused by the noble Lord, as was a subsequent one, that the Royal remains should proceed without the military escort.

The first meeting for the purpose of making arrangements to attend Her Majesty's funeral took place at Freemasons' Tavern. Mr. Hume, the member of Parliament, was in the chair. He stated, that when Her late Majesty visited St. Paul's, a committee of gentlemen was formed for making arrangements to facilitate the attendance of the many hundreds of horsemen who joined the procession on that occasion. That committee had never been dissolved, although it was little anticipated that they would have so soon to meet on so different an occasion. They would proceed to consider the measures that should be taken, to enable them to testify to the world the last respect to the remains of Her Majesty which they would have an opportunity of paying. There would be few of those who came forward on the occasion before alluded to, who would not be anxious to testify the same respect to her who was now no more, as when alive; and the ulterior object of the meeting would be to make arrangements for such as chose to assemble at Brandenburgh-House, and to accompany the remains through the city, and as far on the road to

Harwich as might be deemed necessary. To effect this, they ought to be aware what were the intentions of those who managed the removal, as to time and place—whether the body would be removed on Wednesday, or Thursday. His Majesty's Government had been pressing that the removal should take place even on that day (Saturday.) (This statement excited considerable sensation.) The applications made by numbers of private gentlemen had been so numerous as to lead to expect that the attendance would be very great indeed; consequently an extended committee would be required to carry into effect the requisite regulations: but as the body of the committee was composed of those who arranged the procession to St. Paul's, the public might expect similar regularity on this occasion. Applications had been made from the majority of those public bodies who had gone up with addresses to Her Majesty; and the corporation of the city of London would, it was believed, receive the remains of Her Majesty at Temple-Bar, and escort it through the city in the manner becoming the occasion. It had been considered by some, that this was not a proper occasion for any thing of the kind. For himself, he saw no reason, because Her Majesty was no more, that they should cease to continue that respect which they then thought due to her. In his opinion, if ever there was a time when the people should come forward, this was the time. Her Majesty, it had

been said, wished her removal to be as free from pomp as possible. She had, perhaps, thought that those who had denied her respect when living, might be willing to give it to her when dead ; and by pomp, she doubtless meant military parade. Certainly her wish should be attended to in this particular ; and although the Government had offered a guard of soldiers to escort the body, he hoped the Executors would not allow the procession to be disgraced by the presence of a single soldier. The honourable Chairman concluded, after some further observations, by proposing a resolution for the appointment of the Committee to make the necessary arrangements to pay the last marks of respect, for which purpose they would hold themselves in readiness to assemble to accompany the body as far out of London as may be agreed on, in carriages or on horseback.

. This resolution was carried unanimously.

. The following instructions were issued by the Committee :

“ That in consequence of the general desire on the part of the public to attend in the procession on the day of Her Majesty’s funeral, individually, as well as in bodies of different trades, it is highly expedient that the most early, as well as the most complete, instructions be circulated by this Committee, respecting the arrangements to be observed on that day ; for the accomplishment of which, this committee do print and distribute copies of their recommendations. ’

“That as it will be desirable for the different bodies that may attend on foot to join in the procession, this committee do recommend, that the stewards or conductors of such bodies to take up their ground eastward of Hyde Park corner, as they shall find the same vacant, and to follow in this procession as far as may be convenient to them, with such proper testimonials of respect as may appear befitting so solemn an occasion; and that the bands of music attached to the different trades do play the Dead March in Saul, as the body passes, and likewise lower their banners.

“That it be recommended to gentlemen who mean to attend on horseback, to assemble in Hyde Park at the hour of six in the morning of the 14th inst. where the sub-committee will attend to give them the necessary instructions; and it is requested that every gentleman so attending do appear in deep mourning—cape hat-band, and black frontlet to the bridle of his horse: gentlemen are further requested not to appear in jockey-boots.

“That it be recommended to such persons as purpose attending in mourning coaches or private carriages, to take up their station in Grosvenor-place, with their horses' heads towards Hyde Park corner, and that they provide hat-bands for their servants. Gentlemen are entreated to give the most positive orders to their servants to attend to the instructions of the sub-

committee, who will attend to conduct the arrangement of carriages."

**ORDER OF THE CEREMONIAL OF THE PROCESSION FOR
CONDUCTING HER MAJESTY'S REMAINS TO HARWICH.**

The remains of Her late Majesty will be privately removed from Brandenburg-House on Tuesday (to-morrow) morning, at seven o'clock, in a hearse decorated with ten escutcheons, and drawn by eight horses, preceded by the Knight Marshal's men on horseback, with black staves, and followed by the carriages of Her late Majesty, each drawn by six horses, conveying the Chamberlain, the Ladies of the Bedchamber, and others of Her late Majesty's establishment.

The whole will be escorted by a guard consisting of a squadron of the Royal regiment of Horse Guards, with a standard, which will be relieved at Romford by a like guard of the 4th Light Dragoons; and similar reliefs will take place at Chelmsford and Colchester.

Upon the arrival of the procession at Chelmsford, the remains of Her late Majesty will be placed in the Church under a military guard during the night.

On the following morning, at seven o'clock, the procession will move in the same order (with the exception of the Knight Marshal's men, who will remain at the termination of the first day's jour-

ney), and will halt at Harwich, where a guard of honour will be provided to guard Her Majesty's remains until they shall be embarked; and the colours at that station, and at Landguard Fort, will be hoisted at half-mast. The body, attended by those persons composing the procession, who are to accompany the same to the Continent, will be conveyed on board the Glasgow frigate, appointed for this purpose.

Minute Guns will be fired from Landguard Fort as soon as the body is placed in the boat, and will be continued until the firing is taken up by His Majesty's ships in the bay.

Lord Chamberlain's Office, Aug. 12, 1821.

CORRESPONDENCE RELATIVE TO THE FUNERAL.

The following correspondence between Lady Hood and Mr. Hobhouse and Lord Liverpool, had for its object to obtain some delay in the removal of Her Majesty's remains, and also to dispense with the military guard of honour which was to form part of the cavalcade. Her Ladyship was unsuccessful in both requests.

*Lady Ann Hamilton and Lady Hood, to
Mr. Hobhouse.*

The Ladies in attendance on Her late Majesty the Queen feel it incumbent on them to state to Mr. Hobhouse, that having only received intimation this day, at 4 o'clock in the afternoon,

of the necessary preparations to make for the mourning, they find it impossible to complete the dresses requisite before Tuesday night.

Unless the time until Wednesday morning is allowed for the removal of Her late Majesty's remains, Lady Ann Hamilton and Lady Hood will not have it in their power to attend the funeral.

Brandenburgh-House, Saturday night, Aug. 11.

*Mr. Hobhouse, to Lady Ann Hamilton and
Lady Hood.*

Mr. Hobhouse has to acknowledge the receipt of the note addressed to him last night by Lady Anne Hamilton and Lady Hood, from whence he is surprised to learn that the intention of moving the late Queen's remains, as nearly as possible in conformity with the wish expressed in Her Majesty's will, should have been so recently communicated to their Ladyships; the anxiety of the King's servants to carry that wish into effect having been expressed to Dr. Lushington and Mr. Wilde on Wednesday, and at every subsequent interview, and those gentlemen having yesterday stated that there would be no obstacle to the removal of the corpse on Tuesday morning. Mr. Hobhouse will lose no time in despatching their Ladyships' note to Lord Liverpool, and will communicate his Lordship's answer at the earliest moment.

Grosvenor Place, August 12, half-past 8 p. m.

To Lady Hood, and Lady Ann Hamilton.

*Mr. Hobhouse, to Lady A. Hamilton and
Lady Hood (2d Note.)*

Mr. Hobhouse presents his compliments to Lady Ann Hamilton and Lady Hood, and is directed by Lord Liverpool to apprise their Ladyships, that the order for the removal of Her Majesty's remains on Tuesday is irrevocable. Their Ladyships must be aware, that in cases of this nature, it is extremely frequent for persons who are to attend the procession to follow after the procession has proceeded far on its route ; and it is presumed, that if their Ladyships should unfortunately not be entirely prepared on Tuesday morning, there can be no objection to this course being adopted on the present occasion.

Whitehall, August 12, 4 p. m.

Lady Hood to the Earl of Liverpool.

My Lord,—Though I have not the honour of your Lordship's acquaintance, I cannot resist the impulse I feel to address you as the Minister of this country, but I wish to speak to your heart ; and I am not without the hope of inspiring you with sympathy on this most interesting and awful subject. I have often, my Lord, heard you highly spoken of. Some time ago I was acquainted with a Lady who was either nearly allied to you, or the late Lady Liverpool. Her sentiments of

your good principles inspire me with hope that you will act up to that excellent monitor within every one's breast—"To do as they would be done by." Why, my Lord, is Her Majesty's funeral thus indecently hurried? Mr. Hobhouse replied to a note written by Lady Ann Hamilton and myself—"Because it was the Queen's request in her Will." This is, I believe, the first and only request of Her Majesty's that ever has been complied with. And allow me, my Lord, to put another question to you—Why is there to be a guard of honour appointed to attend her funeral, which honour was never given to her during her life? If such is persisted in, I foresee much mischief, and I fear bloodshed. The people have ever been Her Majesty's only friends: suffer them to pay their last tribute of affection to their beloved and injured Queen, without being interrupted by the military. I have been in the habit of attending Her Majesty for the last five months through immense crowds, and not a single accident has ever occurred. Why, my Lord, is the corpse to be carried out of the direct road to disappoint the people? For Heaven's sake revoke this sentence; the evil of it exceeds all calculation. I have, my Lord, been the companion of the Queen for the last five months: my previous knowledge of her good and estimable qualities alone induced me to accept this situation, and from seeing her deserted by all her former associates and friends. And I can with truth assure

you, that not even her bitterest enemy could censure Her Majesty's conduct ; and her death-bed, my Lord—that awful moment to which we are all approaching—is an example to all living. She died in peace, I do believe, with all the world ; and during her illness frequently said, “ *Je ne sais si en mourant j'aurai à souffrir des douleurs physiques, mais je puis vous assurer que je quitterai la vie sans regrets ;* ” and she desired her female attendant, Marrietti, to assure her sister De Mont that she had forgiven her. I have one more appeal to make to your Lordship ; and first I will ask you why the funeral of the Queen of England should be so much more hurried than that for your Lordship's late wife ? That event proves your Lordship's opinion on the subject. The Queen will not have been dead a week till after ten o'clock next Tuesday night : therefore, I trust your heart will dictate the same degree of outward respect, if not love, for your Queen. And now, my Lord, I have only to say, that I have been surprised at the interruption to the tranquillity of this house by a show of mourning—the having a part of this house hung with black, which cannot be completed before Monday night, if so soon, and the proceeding has only been interrupted this day (Sunday,) during the time Her Majesty's domestic chaplain performed the church service. I trust, my Lord, you will not order Her Majesty's funeral before Wednesday or Thursday next. I will only add, my Lord,

that every word of this letter is dictated by myself, and that I have set down nought in malice ; for my late beloved mistress (the Queen) set me a better example ; but my conscience will not allow me to continue silent, and I entreat that your Lordship will grant all the requests contained in this letter ; and in so doing, be assured, I shall ever feel the highest veneration and esteem, permit me to add affection, for your Lordship ; and believe me, my Lord,

Your humble Servant,

JANE HOOD.

Brandenburgh House, Aug. 12, 1821.

The Right Hon. the Earl of Liverpool, Combe Wood.

The Earl of Liverpool, to Lady Hood.

Combe Wood, August 12.

Madam—I have this moment had the honour of receiving your Ladyship's letter, and I think it right to observe in answer to it, that when her late Majesty's Executors communicated to me copies of her last Will, on Wednesday last, by which it appeared that Her Majesty desired, that three days after her death her body should be sent to Brunswick for interment, I felt it to be my duty to give directions, in the King's absence, that Her Majesty's intentions in this respect might be carried into effect with as little delay as possible ; and I lost no time in laying before the King the directions which had been issued for this purpose. I have since received His Majesty's

commands to continue to act in conformity to the orders first given. I had directed that the funeral should proceed from Brandenburgh House to-morrow morning; but upon a representation which I received from Dr. Lushington yesterday, it was agreed to put off the departure till Tuesday, and I feel that I should be now acting in direct contradiction to the King's commands, as well as contrary to the intention of her late Majesty, if I was a party to any further delay. I am sorry it is not in my power to return a more satisfactory answer to your Ladyship's letter; but I have been ready from the beginning to communicate with Her Majesty's executors on the arrangements necessary to be made on this melancholy occasion; and it has been the anxious desire of the King and his Government that every thing should be conducted in the most becoming, orderly, and decent manner. I have the honour to be, Madam,

Your Ladyship's obedient humble Servant,

LIVERPOOL.

Viscountess Hood, to Lord Liverpool.

My Lord,—I have to acknowledge the receipt of your Lordship's letter, and though certainly not according with my wishes, yet please to accept my thanks for the promptness of your reply. But, my Lord, there is a material part of my letter which you have not answered, (my question)—Why is a Guard of Honour appointed to

attend Her Majesty's funeral ? I can venture to pronounce, if there are no soldiers, there will not be any disposition to tumult ; therefore I do most earnestly pray your Lordship to give up the idea of Her Majesty's remains having any other guard than that of the people. They were to her Majesty, during her life, the most welcome attendants, and surely if your Lordship is so tenacious in strictly adhering to Her Majesty's request in her Will, you cannot fail being equally so in complying with what I am sure would be Her Majesty's wish, was she living to speak—as it was ever her earnest desire to have no soldiers, but to be attended and guarded solely by the hearts of her people. In their love she ever confided ; and surely, my Lord, you will not, at this awful moment of her interment, act so decidedly contrary to her inclination.

I omitted to mention, in my last letter to your Lordship, that the person sent by government for providing the mourning for Her Majesty's servants did not arrive at Brandenburgh-House till yesterday noon ; consequently neither Lady Ann Hamilton, Lord Hood, nor myself, and several gentlemen, could think it requisite to be in such haste to order their mourning ; and until Doctor Lushington and Mr. Wilde arrived at Brandenburgh-House late yesterday evening, we could not form any idea of the funeral being fixed for so early a day.

I must again repeat, that on no occasion whatever has the government ever ordered the troops

to attend Her Majesty; I trust, therefore, your Lordship will not think of such a measure, upon this occasion of Her Majesty's funeral; and I also conclude, from your Lordship not replying to that part of my letter respecting Her Majesty's removal, that the procession will be ordered to move in the direct and nearest road through the City of London, as I am informed that the Lord Mayor and Corporation of London intend meeting the funeral procession at Temple-bar; and surely your Lordship will not offer an insult to so ancient and respectable a body, who have ever shewn their attachment to the Royal family. I flatter myself your Lordship will forgive my thus troubling you, and impute it to my zeal and attachment to my much-loved and departed Queen; and I beg to subscribe myself

Your Lordship's humble Servant,

JANE HOOD.

Brandenburgh-House,
Sunday evening, Aug. 12, 1821.

Answer.

Coombe Wood, Sunday Night, Aug. 12.

Madam,—I have had the honour of receiving your Ladyship's second letter; and I must only repeat, that it is my duty to obey the King's commands as to the arrangements to be made for Her Majesty's funeral (whatever these arrangements may be, have been, or will be, duly communicated from the Secretary of State's Office to Her Majesty's Executors;) and I am under

the necessity of adding, that no discussion can take place with any other persons on the subject. I have the honour to be, Madam,

Your Ladyship's obedient humble Servant,

LIVERPOOL

The Viscountess Hood.

LYING IN STATE.

On Monday morning, soon after ten o'clock, the undertaker's people, under the direction of Mr. Thomas, of the Lord Chamberlain's office, had prepared the Marble Hall at Brandenburgh-House, for the reception of the Royal corpse, in order to its lying in state. The Marble Hall is at the back of the house, on the ground floor, adjoining the apartment in which Her Majesty died. The walls and floor of this hall were covered with black cloth, that on the walls arranged in festoons, and the pillars which support the ceiling were also covered with the same material; but, unlike the other preparations of the same kind, of which we have seen so many lately, the ceiling was not covered at all. In the centre of the room, immediately facing the entrance, a plain square canopy of black cloth was erected, and underneath stood the trestles intended to support the coffin. The entrance hall and vestibule were entirely covered with black.

The workmen having so far completed the arrangements, repaired to the adjoining apartment

to remove the royal coffin, and place it beneath the canopy ; but the door was found to be locked ; nor could the key be found any where. Application was made successively to all the members of the household, we understand, but nobody knew any thing of it. More than three quarters of an hour was spent in useless enquiry after it ; and at length Mr. Thomas directed the workmen to open the door by taking off the lock. This being effected, the royal coffin was placed in the situation prepared for it.

Whilst these things were doing, the crowd at the Lodge was every moment accumulating ; but a strong party of the Bow-street patrol had the command of the gates, and admitted only such persons as they thought proper. This caused much dissatisfaction and turmoil throughout the day ; and the murmurs were loud and incessant—both at the Lodge gates, and at the stable-yard, both of which were surrounded by many hundreds of people, chiefly females, very respectably attired in deep mourning, who toiled and struggled hour after hour with infinite perseverance. This scene continued till after three o'clock, when they were somewhat pacified by its being announced that they would be indiscriminately admitted after six o'clock.

It was not till that hour that the ceremony of “ lying in full state ” commenced. During this time, however, many of the neighbouring gentry were admitted in small parties ; and on no former

occasion of the kind did we ever witness such a manifestation of mental affliction. The ladies, for the most part, wept audibly—many threw themselves upon their knees before the coffin, and clasped their hands convulsively. In the course of the morning we observed among the company the Hon. Mrs. Damer, who approached the Royal coffin, and fervently kissed it. She was accompanied by Lady Ann Hamilton, and appeared so absorbed in grief, that her Ladyship had some difficulty in withdrawing her from the melancholy scene.

At length six o'clock arrived and full state commenced, but there was a very considerable deficiency of the usual ceremonies on these occasions.

An ample pall of black velvet, lined with white sarsnet, was thrown over the coffin, turned back so as to show its foot, and a very indifferent imitation of the Royal Crown was placed on a golden fringed purple velvet cushion at its head; but the pall was unadorned with a single escutcheon. Three gigantic candles burned on either side the coffin; immediately over it appeared an emblazonment of the Royal arms in a lozenge-shaped cloth of silver; six smaller escutcheons, with the arms of Britain and Brunswick quartered, were displayed near it; and the walls were gloomily enlightened with a few silver sconces. The only persons officially in attendance on the part of Government, were

three Grooms of the Great Chamber, Messrs. Nost, Gardner, and Seymour, and two of the undertakers' men. There were no noble mourners, no Pursuivants in their tabards, no Yeomen of the Guard, nor any of the usual accompaniments to denote the high rank of the illustrious deceased.

The gates at the Lodge were now thrown open, and many hundred persons rushed tumultuously down the avenue, but an order was given almost immediately that no more should be admitted. There was no thoroughfare through the room of state, but those who first obtained admittance found it so extremely difficult to get out again, that much confusion appeared likely to ensue, and therefore the order to close the gate again was issued.

The Royal corpse, however, continued to lie in this state till late at night.

A MEETING OF THE COMMON COUNCIL.

On Monday, Aug. 13th, pursuant to requisition, an extraordinary Court of Common Council was held at the Guildhall, for the purpose of advising the best means of testifying, by some outward demonstration of respect, the warm feelings of regard and attachment which the Citizens of London entertained for the memory of Her late Majesty the Queen. The Court was filled at an early hour, and most of the Members appeared in deep

mourning. The requisition addressed to the Lord Mayor, having been read,

The Lord Mayor rose and said that he felt great regret, in common with the whole Court, that they had been called together under the present melancholy circumstances. He had fixed first upon Tuesday for holding the Court, but some circumstances had lately occurred, and certain changes having been made in the proceedings respecting the funeral of the Queen, he thought it advisable that they should be assembled this day, it appearing to him that it would be better that the Court should be even rather in haste, than too late in the expression of their feelings.

Mr. Sheriff Waithman then rose to submit a Resolution for the adoption of the Court. The worthy Alderman remarked, that in the resolution which he was about to propose, he had endeavoured as much as possible to state particulars, lest any in this court should be carried away so far by their prejudices as to interrupt that harmony and unanimity which was so desirable on an occasion like the present. There were few who would be bold enough to deny that the Queen was not an object of persecution since she set her foot upon these shores; and supposing it even possible that she was guilty of the worst crimes, yet it should not be forgotten that she had received the greatest provocations (hear.) History afforded no parallel to the sufferings which this

illustrious woman underwent—for the stories of Anne Boleyn, or Catherine, did not speak at all so feelingly to the heart. Her virtues and her weaknesses were still the theme of party; but it was not till they became matter of history that justice would be done them, and another great bard might then arise, who, by presenting her privations in their proper light, would draw tears from every eye. The Queen did, indeed, possess a courage and strength of mind under misfortune, of which history presents no parallel. But it might be asked why, if she bore up so long against misfortunes, it should be now said that her premature death was owing to their accumulation? To this he would answer, that though she made great exertions at the time, yet her constitution was more and more enfeebled by them. Whilst the strength was apparent to all, the consequent debility was felt only by herself; and the weakness of human nature could not afford such repeated claims upon its exertions. This was exactly the case of Her Majesty, and that she died of a broken heart there was no doubt, as he himself could testify from his own constant observation for weeks together. In that time he witnessed the purity of her manners and the dignity of her deportment. But he perceived, with sorrow, that though she affected to be in good spirits, yet the concealment of her grief arose alone from indisposition to give pain to her friends. A few days before her death, she

said, with the greatest sincerity, "I am not an ambitious woman—my only wish is to be comfortable with a few friends round me. I have no disposition to disturb the King, but I wish as a woman to protect my honour, and as a Queen to defend my rights." She went on to say, "The physicians know not my malady, it is here" (laying her hand upon her breast.) It might be imagined that such a woman died the death of a Christian—that she parted with this world without regret. She seemed to court death, and was continually saying, "I am not sorry to die, and from the bottom of my soul I forgive my enemies." (Hear.) Even at the critical moment that she was signing her last will, the energy and fortitude which she displayed seemed something more than human. It might be said that she resigned her soul to her Maker with more than the fortitude of her sex, but with all the resignation of a Christian. These were facts which spoke home to the heart of every man; and yet, incredible as it might seem, there were persons base enough to misrepresent even her last moments. And was it not true that, in all her troubles, the indignities to which she was exposed came almost entirely from what were called the best classes of the community? On the day of the Coronation he himself had seen, not merely well dressed, but elegantly dressed persons offering indignities to the Queen. Yet though her life was a tissue of persecutions, it would seem that

in her death she was to be honoured. Though she could not get a house to shelter her head in whilst alive, now that she was dead, her remains were to be attended by a troop of horse (hear.) She, that had not a single vessel sent to bring her to this country, was, it seems, to have a squadron in taking her out of it (hear.) Whilst alive, her only guards were the hearts of the people ; but when dead, she was to be surrounded by soldiers. This reminded him of the treatment of the great bard of antiquity, of whom it was said—

“ Seven wealthy towns contend for Homer dead,
Through which the living Homer begged his bread.”

Or, to use the expressive words of an elegant modern poet—

“ The great have still some kindness in reserve,
They help to bury whom they helped to starve.” (Hear.)

The worthy Alderman concluded by saying, that they could not make the Queen retribution for what she suffered ; yet it was their duty to offer to her memory every mark of respect. He then proposed the first resolution, which being seconded by Mr. Favell, was carried unanimously.

Mr. Favell then said, that the first Resolution having expressed the general feeling of the Corporation, he thought it right now to propose the particular measures for carrying that feeling into effect. He thought that, waving all party considerations, it was a duty on the part of the Citizens to pay dutiful respect to the remains of the

Queen of England, as it passed through their city (hear.) At the same time, he expressed a hope that the course of the funeral would not be so directed as to take away from the citizens the opportunity of paying her the honours which were due to her rank and eminent private virtues. He then proposed the second Resolution.

Mr. Deputy Painter observed, that the Queen had desired to have her funeral as private as possible.

Mr. Jupp said that this did not seem to be the wish of the Government, as appeared from their sending a body of horse as an escort (hear.)

The Resolution was then put and carried.

It was then ordered, that the Sheriff and Remembrancer should wait upon Lord Liverpool, to ascertain what time the procession was to be in waiting at Temple-bar. The Court then adjourned.

The Sheriffs, immediately after the Court was over, proceeded, with the Remembrancer, to the Office of the Secretary of State, where they had an interview with Mr. Hobhouse.

Sheriff Waithman, as the High Sheriff, stated that they attended in conformity with the Resolutions of the Court of Common Council, held that day, and expressed the anxiety with which the citizens and public in general expected to have an opportunity of paying their best respects to the Royal remains, and the disappointment

which would be occasioned if they should be sent any other road than through the City.

Mr. Hobhouse said, it was usual to convey the corpse of any of the Royal Family under a military escort, which could not pass through the City without first communicating with the Lord Mayor.

Sheriff Waithman said, certainly that might be done, if it were necessary for a military escort to attend the corpse.

Mr. Hobhouse then said, he would represent what had been stated to Lord Liverpool, and that an early answer should be given to the communication.

The Sheriffs then returned, leaving the Remembrancer to wait for the answer.

At a little before four o'clock the following answer was returned :—

“ Whitehall, 13th August, 1821.

“ Gentlemen,—I am directed by the Earl of Liverpool, to whom I have communicated the resolutions agreed to at a Common Council, held this day, to inform you that all the arrangements for her late Majesty's funeral have been completed, and laid before the King; and that it is not intended that the Royal corpse should pass through the City, in its way from Brandenburgh House to Harwich, the port at which it is to be embarked for the purpose of being conveyed to

Brünswick, in conformity to the desire expressed in her late Majesty's Will.—I have the honour to be, Gentlemen,

Your most obedient humble Servant,

H. HOBHOUSE."

" To the Sheriffs of London, &c."

EXACT ROUTE OF THE PROCESSION NOT KNOWN.

At half-past ten in the evening, Mr. Sheriff Waithman, not having been able to obtain any information as to the route by which Her Majesty's remains were to be conveyed from Brandenburg House, sent the following letter to Lord Liverpool :—

" My Lord—As Sheriff of the County of Middlesex, I feel it my duty to request your Lordship to inform me by what route the remains of her late Majesty are to be conveyed through the County from Brandenburg House.—I have the honour to be

Your Lordship's obedient Servant,

ROBERT WAITHMAN."

" Bridge-street, Aug. 10, 1821, half-past 10, evening.

" The Right Hon. Earl of Liverpool."

To which the following answer was returned :—

" Fife House, Aug. 13, half-past 11.

" Sir—I have this moment received your letter, and must refer you to the Lord Chamberlain's department for particulars. The directions are, that the remains of her late Majesty shall be

conveyed by the New-road to Romford, and then by the direct road to Harwich.—I have the honour to be, Sir,

Your obedient humble Servant,

LIVERPOOL."

" Mr. Sheriff Waithman."

The Lord Mayor issued a Proclamation early in the evening, suggesting to the Citizens of London the propriety of marking their respect for the memory of her late Majesty, by shutting up their shops on the morrow.

COMMITTEE AT FREEMASONS' TAVERN.

The Freemasons' Tavern was besieged by crowds of people during the evening, and up to a late hour at night, to gain intelligence of the route which the procession was to take on Tuesday. The Committee sat to a late hour, and a General Meeting was held up stairs, at which Mr. Haydon presided, to wait the determination of the Committee, and to receive the benefit of any official communication that might arrive in course of the evening.

A good deal of discontent was manifested within and without doors, but there was no instance of disorder occurred throughout the night. It was determined, that if no official communication were received in the course of the evening, the gentlemen who proposed to attend the procession on horseback, should meet at Hyde Park

Corner at six on Tuesday morning, to be in readiness to move forward. Persons were to be stationed at every outlet by which it was possible for the remains to be carried; and, should the procession not pass by Hyde Park Corner, the intelligence was to be communicated with as much speed as possible, in order to enable the horsemen to join it immediately.

At four o'clock the following communication was made :—

“The Committee have received assurances from the following Gentlemen, of their intention to attend the Funeral Procession of her late Majesty, to-morrow, on horseback or in carriages, viz :— Sir Gerard Noel, Bart, M. P. ; Sir Robert Wilson, Bart, M. P. ; Hon. Grey Bennet, M. P. ; Joseph Hume, Esq. M. P. ; J. C. Hobhouse, Esq. M. P. ; S. C. Whitbread, Esq. M. P.

“ Freemasons' Tavern.”

“ A. WILSON, Chairman.”

TUESDAY, AUG. 14th,

Being the morning appointed for the conveyance of Her Majesty's Remains from Brandenburg House, a great part of the population of the metropolis was in motion at an early hour, to witness the solemn spectacle. The morning was unusually dark, and rain falling without intermission, added to the gloom which the solemn affair of the day was calculated to create. But, notwithstanding the weather, the roads were

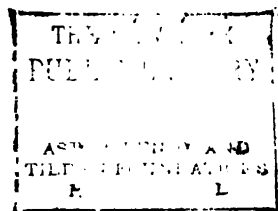
lined shortly after day-break. Persons in coaches, chaises, caravans, and on horseback, as well as thousands of individuals on foot, mostly attired in respectable black, were proceeding towards Brandenburgh-House; and to behold this zealous and disinterested devotion in thousands and tens of thousands of noble and feeling hearts was not the least affecting occurrence of the day. We proceed now to present our readers with the details of this interesting, yet melancholy ceremonial, in the order as they occurred.

BRANDENBURGH-HOUSE—FUNERAL ARRANGEMENTS—

PROTEST OF THE EXECUTORS.

Mr. Bailey, of Mount-street, Grosvenor-square, who had been appointed conductor of Her Majesty's funeral, arrived at Brandenburgh House soon after five o'clock, preceded by the hearse, drawn by eight horses, and the mourning coaches, with the various funeral habiliments and paraphernalia. There were about twenty coaches and six, the horses' heads ornamented with plumes. The hearse was rather a small one, and surmounted by a profusion of black plumes: on each side, the royal arms, quartered with those of the Brunswick family, were emblazoned in scarlet and gold. This gave to the vehicle rather a splendid appearance.

About the same time Sir George Naylor,





Clarencieux King at Arms, arrived, attended by **Mr. Woods**, the herald.

A little after six o'clock **Dr. Lushington** arrived. **Mr. Wilde**, **Mr. Brougham**, **Mr. Alderman Wood**, **Mr. Hobhouse**, **Sir Robert Wilson**, **Mr. Thomas** (acting for **Mr. Mash**, of the Lord Chamberlain's office,) **Dr. Holland**, **Lieutenants Flynn** and **Hownam**, **Count Vassali**, &c. were present in the state apartment.

At six o'clock precisely a squadron of the **Oxford Blues**, under the command of **Captain Bouverie**, arrived from their barracks, **Regent's-park** (which they left at a quarter before five o'clock,) at **Brandenburgh House**, and rode up the avenue from the lodge, and formed into a line in front of the house. The helmets of the officers were partially covered with black crape. The gates of **Brandenburgh House** were kept by **Perry**, one of the officers of **Bow-street**, who admitted only those whose names were on a list. The **Marshalmen** of the royal household arrived about the same time on horseback. They were in full uniform, with their batons decorated with crape. They wore silk scarfs, and had crape upon their hats.

At seven o'clock the mourning coaches intended for the domestics of her late Majesty's household were ordered to draw up to the door, and the servants, male and female, having entered them, they drew slowly off towards the outer gates. This occupied half an hour. The

servants of Her Majesty's Counsel, and of her other officers, occupied places in these coaches ; and the whole were arranged according to their respective ranks.

Mr. Bailey now gave orders for every person to be in readiness to depart with the procession ; and he went into the state room, and gave directions to the Lord Chamberlain's officers to deliver up the body to the persons in waiting, who would carry it to the hearse. The persons, whose names are above mentioned (except Mr. Wilde) were in the state room at this period. Sir George Nayler stood in his state dress, at the foot of Her Majesty's coffin ; on his right was Mr. Woods, the Herald, holding in his hand the directions from His Majesty's government, authorizing him to remove the body. On each side of the entrance of the state apartment stood the officers of the Lord Chamberlain (Grooms of the Great Chamber,) in plain dress black, not their state attire. On each side of the body were arranged Mr. Brougham, Sir Robert Wilson, Mr. Hobhouse, Mr. Thomas, Dr. Holland, Mr. Bailey, Mr. Chippenden (the Assistant Conductor,) Alderman Wood, Reverend John Page Wood, Her Majesty's Chaplain, Count Vassali, &c.

On the body of Her Majesty being demanded of the executors, Dr. Lushington spoke to the following effect :—

“ Sir George Nayler and Mr. Bailey, you know what has already taken place upon the subject

of her late Majesty's interment; you know what has been the expressed wish of Her Majesty's executors, upon the necessity of delay, for the purpose of making preparations for so long a journey, and also upon the disgraceful conduct that has been persisted in by His Majesty's government (in such direct opposition to the known Will of her late Majesty,) in forcing into the funeral procession a great body of soldiers. I enter my solemn protest against the removal of Her Majesty's body, in right of the legal power which is vested in me by her late Majesty, as executor. Proper arrangements for the funeral, and the long journey, and voyage by sea, have not been made—there has not been time for it; and I command that the body be not removed till the arrangements suitable to the rank and dignity of the deceased are made."

Mr. Bailey.—"I have orders from government to remove the body, which is now in the custody of the Lord Chamberlain. I must do my duty. The body must be removed."

Dr. Lushington.—"Touch the body at your peril. You have no power to act contrary to the will of Her Majesty's Executors, and they do their duty by protesting against such an usurpation."

Mr. Bailey.—"You do not mean to use violence, and prevent, by force, the removal of the body, I trust, Doctor Lushington?"

Dr. Lushington.—“I shall use no violence myself.”

Mr. Bailey.—“Nor recognise it in others?”

Dr. Lushington.—“I shall neither assist in or recommend violence, nor shall I join the procession in my official character of executor, but merely go as a private individual, to show my respect for Her Majesty.”

Mr. Bailey.—“Very well, Sir; I shall discharge my duty firmly, and, I trust, properly.”

At half-past seven the hearse drew up to the door, and the bearers were ordered to be in readiness. Sir George Nayler, attended by Mr. Thomas and Messrs. Seymour, Gardner, and Nost, went into the State apartment, and taking the cushion and crown from the head of the coffin, he bore it to the coach immediately preceding the hearse, and one of the attendants placed it on the seat. The pall was next brought out, and placed also in the same coach. The bearers, twelve in number, then advanced, and took up the coffin to bear it to the hearse. The scene in the interior of the hall at this moment will not soon be forgotten. Many of the inferior domestics, who were not to accompany the funeral, had assembled in the passage to take a last view of the remains of their lamented Mistress; and these, with several private persons, lined the room on each side. When the bearers advanced towards the door, the women sobbed aloud; and

one threw herself upon the floor, and evinced the most violent and impassioned grief. Those of the other sex shed tears plentifully as the body passed ; and several hurried out to see it deposited in the hearse. This having been done, under the immediate inspection of Sir George Nayler, that gentleman with his attendants entered the carriage in which the Crown, &c. were placed. The carriages for the mourners then came to the door in succession.

While Mr. Wilde's coach was stopping at the door of Brandenburgh House, a message was sent from him, that he wished to see Mr. Bailey. This gentleman immediately went to the state-apartment where Mr. Wilde was, and on entering it Mr. Wilde presented him with a written protest against the removal of Her Majesty's body. He then addressed Mr. Bailey in very warm language, declaring the conduct pursued by His Majesty's Ministers to be most disgraceful, as well as illegal. He declared that the body was taken by force against the will of the executors, and called upon Mr. Bailey to give him some information as to where he intended to take the procession, by what route, and where was its destination ?

Mr. Bailey complained that every impediment was thrown in the way of the persons whose duty it was to attend the removal of the body. He then took out of his pocket a paper, and read from it the route of the procession :—

“ The funeral cavalcade to pass from the gate of Brandenburgh House, through Hammersmith, to turn round by Kensington gravel-pits, near the church, into the Uxbridge-road, to Bayswater ; from thence to Tyburn-turnpike, down the Edgware-road, along the New-road, to Islington, down the City-road, along Old-street, Mile-end, to Romford, &c. A squadron of Oxford Blues, from Brandenburgh House to Romford, to attend the procession ; a squadron of the 4th Light Dragoons from Romford to Chelmsford, another squadron of the same regiment from Chelmsford to Colchester, another escort from Colchester to Harwich, where a guard of honour is in waiting.”

Mr. Wilde declared that he would not go with the procession in the route mentioned by Mr. Bailey, nor should the body be taken except by force ; and when the body stopped at the first stage, he probably should be there to exercise his legal right as executor (which was superior to any usurped power then exercised by the officers employed by His Majesty's Ministers) to have the body removed according to his own will, and that of her late Majesty, without squadrons of soldiers.

Mr. Bailey said that his orders were imperative, and nothing should prevent him from doing his duty. He would take upon himself the peril of removing the body.

The following was the order of the

PROCESSION.

Twelve horse soldiers (Blues) two and two.

1st carriage.

Page	{	Mourning coach and six, containing the servants of Her Majesty's Chamberlain, and Longuez, the black servant.	}	Page
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2d carriage.

Page	{	Mourning coach and six, containing Mr. Wilde's male and female ser- vants, and a servant of Sir George Nayler.	}	Page
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3d carriage.

Page	{	Mourning coach and six, containing James Thomas, Esq. of the Lord Chamberlain's Office, with a gen- tleman in same department.	}	Page
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Two soldiers on horseback.

His Majesty's eight Deputy Marshals, two and two, in state, on horseback :

Mr. Cubb	Mr. Shelton.
Mr. Knapman.	Mr. Birch.
Mr. Anderson.	Mr. Ryer.
Mr. Jolly.	Mr. Gilbert.

Twelve Pages on horseback, two and two, with black cloaks and hatbands.

Her late Majesty's state carriage, with six horses, containing Sir George Nayler, in his state dress as Clarencieux King of Arms, accompanied by Mr. Woods, the Herald. Sir George carried the

Crown and Cushion from the state apartment to the door, and having got into the carriage, they were placed on his lap by the Herald, who afterwards took a seat by his side, with their backs towards the horses. The cushion was about two feet long and one foot wide—black velvet, edged with gold fringe, and a large gold tassel at each of the four corners. It was an imperial crown which was carried upon the cushion.

Two of Her Majesty's state servants behind the carriages.

Squadron of horse, two and two, attended by their commanding officer.

Hearse with eight black horses.

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Each side of the hearse was decorated with an escutcheon. Postilions in black rode upon the two leading horses. At the end of the hearse

was an imperial crown with the letters C. R. The horses in the hearse and the coaches also were decorated with large black feathers.

Four soldiers, two and two.

Trumpeter.

Eighteen soldiers, two and two.

Page	{ 4th Mourning coach and six, in which was alone, Lord Hood, Her Majesty's Chamberlain. }	Page
Page	{ 5th Mourning coach and six, containing Lady Hood and Lady Hamilton. }	Page
Page	{ 6th Mourning coach and six, containing Dr. Lushington and his lady. }	Page
Page	{ 7th Mourning coach and six, prepared for Mr. and Mrs. Wilde. }	Page
Page	{ 8th Mourning coach and six, containing Mr. Alderman Wood and Count Vassali. }	Page
Page	{ 9th Mourning coach and six, containing Capt. Hesse and Mr. Wilson (son of Sir Robert), Her late Majesty's equerries, with the Rev. Mr. Wood, Her Majesty's chaplain, and Mr. William Austin. }	Page
Page	{ 10th Mourning coach and six, containing Lieuts. Hownam and Flynn, with two other gentlemen belonging to the household. }	Page
Page	{ 11th Mourning coach and six, contained Mr. Hieronymus, Her Majesty's steward, Mariette Brunn (De Mont's sister), Lady Hood's female servant, and Lady A. Hamilton's. }	Page

Page { 12th Mourning coach and six, con-
tained Her Majesty's three pages,
Mr. Melburn, Mr. Adolphus, and } Page
Mr. Nicolini.

13th Mourning coach contained Mr. Bailey, and two other gentlemen, who accompanied the procession to Brunswick, to see the last rites performed over the body of Her Majesty, according to his instructions from the British government.

Page { A carriage with a servant, contain-
ing luggage belonging to the dif- } Page
ferent persons in the cavalcade.

The carriages of different gentlemen, the friends of her late Majesty.

The Committees of Hammersmith and London, two and two.

The hamlet of Hammersmith, as the procession passed up the Broadway, presented a striking spectacle. The windows of the houses were filled in every part, chiefly with females, all in the deepest mourning; and a great number of men had climbed upon the roofs, and even upon the chimneys, so great was the anxiety to obtain a view of the procession. On each side of the road vehicles of every kind were drawn up, and seats or standing places on them were purchased eagerly, at from 1s. to 3s. The owners of some of the carts and waggons had provided canopies of carpet or sail-cloth, which protected the occupiers of seats from the rain, and these men made

a very considerable sum by their speculation. The space between these carriages and the houses was completely filled with spectators on foot, many of whom were without umbrellas, or any other than their ordinary covering ; but the heavy rain which continued to fall the whole of the morning did not dismay them. We saw hundreds of women, of all ages, standing patiently beneath the pelting shower, and bearing, without a murmur, the rude assault to which they were every minute subject, from the want of common tenderness on the part of the men.

As the procession moved along, it was regarded by the assembled multitude with mournful earnestness. The great majority of the female spectators were in tears, and many wept aloud as they took their last view of the hearse. The fair inhabitants of the hamlet evinced the strongest sensibility upon this melancholy occasion. They were seen at their windows gazing with tearful eyes upon the solemn spectacle, and many were heard to sob aloud, apparently in the greatest agony of grief.

When the head of the procession reached the Broadway, the spectators were gratified with one of the most interesting sights, we believe, ever witnessed. The children, male and female, of Latimer's Charity-school, issued from the school-house, in their best dresses, wearing crape upon their hats, and each bearing a small white basket filled with choice flowers. The sides of

the basket were covered with crape. The little ones having ranged themselves at the head of the cavalcade in proper order, two and two, they proceeded on, strewing their flowers in the road as they walked along. The extremely neat dresses of the children, with their simple but earnest manner of performing this ceremony, excited the highest admiration and the deepest sympathy. It imparted a degree of painful interest to the scene, that will long be remembered by those who had an opportunity of beholding it.

These children had been furnished with their baskets on Monday, and they went round on that day to the principal inhabitants of the hamlet, and begged from each a supply of the best flowers in the garden.

The children walked bareheaded, and bore the heavy rain with great cheerfulness. When their stock of flowers was exhausted, they walked out of the line, and stood at the side of the road until the procession had passed them, when they returned to the school-house.

ASSEMBLAGE IN HYDE PARK.

While the arrangements for the procession were forming at Brandenburg House, an immense crowd of horsemen and pedestrians was collected at Hyde-park-corner, which increased rapidly from five until eight o'clock, by which time it was prodigious, notwithstanding the deluge

of rain which continued without intermission the whole morning, as if the very Heavens were weeping in sympathy with the hearts of the English people. By half-past six a considerable body of horsemen having assembled by appointment inside the Park-gate, all habited in the deepest mourning, and wearing sable cloaks, crape hatbands, and scarfs, and other badges of grief, they proceeded to Hammersmith, amidst the sorrowful ejaculations of the people, for the purpose of falling in with the procession. Upon arriving at the turnpike, the populace insisted that the horsemen should pay no toll, it being, we believe, a popular error that funerals pay no toll under any circumstances. The gentlemen themselves seemed willing to pay; but hesitating in consequence of the calls from the crowd, the keeper closed the gate against them, upon which the populace instantly tore it from its hinges, and dashed it on one side; nor did they suffer any horseman who passed afterwards to pay. Shortly after this, a doubt seemed to prevail as to which route the procession would adopt, and the anxiety upon this subject soon became extremely intense. Every coach, every horseman, or even foot-passenger, who came from the direction of Hammersmith, was questioned with the greatest eagerness as to whether he knew any thing of the matter: and each succeeding person interrogated gave a different answer from the preceding one. At about a

quarter past eight, it was announced that the procession was moving along the road at the other extremity of the Park, and instantly the whole crowd streamed off with all the speed in their power to the Oxford-street gate. Here they found that the same uncertainty prevailed as at Hyde-park-corner; and, after having waited with great patience for half an hour, another report was circulated that the procession was going along by Knightsbridge. Immediately the whole Park was covered with a moving cloud of umbrellas, the people having made their way over all parts of the wall along the Edgware-road, and directing their course back again to Hyde-park-corner. Still the route remained unascertained, and it was now understood that not even any of the persons at Hammersmith, except the undertaker, who was in the confidence of His Majesty's Government, were informed of the intended line it was to take. This circumstance appeared to excite a general murmur of indignation.

Multitudes proceeded on to Hammersmith, as the more certain way of avoiding the frustration of their purpose. But the greater number appeared to conclude, from the stationary appearance of some of the Friendly Societies' flags, which, with emblems of mourning attached to them, were waiting the arrival of the procession, that it would certainly pass that way. However, once more (in consequence of the arrival of a

horseman with the intelligence,) it was understood that the procession was about to pass the other way ; and again the immense multitude rolled back the whole length of Hyde-park to the Edgeware-road, and again disappointment alone awaited them. The angry feeling excited against the authors of this irritating suspense became considerably enhanced by a suggestion, that the different horsemen who had given the false intelligence at various times, were persons expressly employed to deceive the people with unfounded reports, and thereby call off their attention from the direction in which the procession was to move. At this period the whole length of the Edgeware-road was thronged to excess as far as we could see ; and vast numbers made their way to the Paddington-road, under the impression that that was the destined route. A long line of carriages also blocked up each of the various roads through which there was any chance of the procession passing. It now approached to eleven o'clock, and nothing but feelings of the deepest, the most heart-rooted affection and grief, could account for the extraordinary patience and self-devotion with which this immense concourse of persons, male and female, endured unintermitting fatigue, wet, and hunger, for a space of six hours ; and still, although the water streamed in torrents from their drenched limbs—although they were hardly able to stand, from incessant running in every direction during

the whole morning, and although almost fainting from exhaustion and want of food, they maintained an unshaken resolution to undergo every possible extremity of suffering from hardship or privation, rather than lose the opportunity of uttering a parting blessing on the cold remains of their lamented Queen.

At length the arrival of one or two horsemen from Hammersmith, known not to be in the service of Government, who informed the anxious inquirers that surrounded them, that the most probable course for the procession to adopt was by Knightsbridge, induced the crowd to traverse Hyde-park a fourth time, and take their final stand in the neighbourhood of Hyde-park-corner; where, during another hour of suspense and anxiety, they remained until the approach of the procession was at length announced in reality.

ROUTE FROM HAMMERSMITH TO HYDE-PARK-CORNER.

The procession moved on, at a slow pace, through the immense crowds that lined each side of the road. The order was not interrupted till its arrival at Kensington church. The constables and police officers, who, by that time, headed the procession, endeavoured to turn it out of the direct road leading to Picadilly, by guiding it along Church-street, which is by Kensington church; and thus to convey Her Majesty's remains into the Bayswater-road, following the

route previously marked by Mr. Bailey. This was promptly and loudly resisted. The people cried out "Shame! Shame!—Through the City! Through the City!" but finding that exclamations would avail but little, they resisted with personal force. A stout scuffle ensued; and as no military had yet arrived, the populace triumphed. This brought the procession to a stand-still. A communication of what had passed was made to superior powers lower down in the procession; and while this was taking place, the people, assembled in Church-street, set to work with an alacrity and success that were truly surprising, to render ineffectual an attempt to pass that way, by blocking up and cutting up the street! Waggon, carts, &c. were brought and placed across the street; the linch-pins were taken out, and some of the wheels were taken off; and all the horses were removed. Higher up the stones were removed; trenches were dug in the roadway; even the water-pipes were opened. Crow-bars and pokers were at work, and the workmen were cheered with cans of porter and with the applause of the multitude. A stoppage of as impassable a nature was thus created, in less than half an hour, as ever was raised by a retreating army to check the pursuit of an enemy. A waggon, containing baggage belonging to the second regiment of Foot Guards, was seized and placed in Church-street. The Serjeant who commanded the party immediately represented

to Sir Robert Wilson the great inconvenience the delay would occasion him and his party, as they had a long march before them. Sir Robert Wilson immediately addressed the populace, and pointed out to them that the delay would be of serious inconvenience to the soldiers. The short speech of Sir Robert was received with great good humour; the baggage waggon was instantly released, and suffered to proceed on its journey, but another waggon was instantly placed in the same situation.

While these labours were going on, a soldier was forwarded to town, with a despatch to Lord Liverpool for orders. In the mean time the whole procession remained stationary; and, by a singular coincidence, Her Majesty's remains with the hearse stopped directly opposite to Mr. Cobbett's house. That gentleman had the whole front of his house covered with black cloth. The appearance was singular, and the attention was respectful.

As Mr. Bailey, the conductor of the procession, would not take upon himself the responsibility of moving in any other direction than that laid down in the written directions, the whole cavalcade halted until new instructions arrived.

At half-past eleven, a troop of Life Guards appeared, coming from London. They were headed by Sir R. Baker, the Chief Magistrate of Bow-street, mounted on an officer's horse; and on each side of him was a military officer. Sir Ro-

bert and the officers having reconnoitred the end of Church-street, and found it impossible to remove the obstruction raised there, yielded to necessity, and gave orders for the procession to move on in a direct line, which was complied with, amidst the stunning huzzas of the multitude, who could not restrain their joy in having thus defeated the plan to carry off Her Majesty's remains without their even entering London.

KENSINGTON BARRACKS.

Their exultation, however, was doomed to speedy interruption. As soon as the Procession arrived at Hyde-Park gate, by Kensington Barracks, Sir Robert Baker, with some of the soldiers, entered it, with the view of leading the procession. The joy ceased, and loud cries were heard of "Shame! shame! She shall not go through the Park: let us die first." Some one crying out "Every man in the breach!" meaning the single gate that was then thrown open, about twenty persons instantly rushed into the opening, seized the gates, dragged the keeper and his helper forward, and closed them. This exasperated the Serjeant of the troops inside, who cried out, "I'll chop your hands off if you do not let go the gates." The gates were again drawn back, and again closed by the people. Here one of the soldiers outside, putting spurs to his horse,

dashed up to the gate, when a person amongst them immediately held a great stick over him, crying out, "Let our lives be lost before we let her pass this way." Here the cry of "Murder" was vociferated, and a voice exclaimed, "Sir Robert Baker, remember you have not read the Riot Act." Again a soldier from the roadside of the gate rode up to cut those hanging on to the gate, when one of the committee-men rode up between them and interposed. The cry was now, "Horsemen! horsemen! stand in the gate." One only attempting it, whose horse was frightened, he could not get him forward. Several persons now got up to the gate, and though the soldier's were not three yards from it, several large stones were thrown at the military, one of which struck a soldier on the breast; and the cry of "Murder!" still continuing, Sir Robert Baker said, "Open the gate, and we will go on." The gate was opened, Sir Robert Baker came out, and headed the procession, and it proceeded on towards Hyde-Park-corner, the people crying out, "The City! the City! Nothing but the City! Fly to Hyde-Park-corner; block up, block up; every man in the breach." The people now began to fly towards Hyde-Park-corner, when they reached the gates they were closed, and the military were stationed close to the gates inside the park. The gates were soon opened sufficiently for them to come out one by one; they were then closed again, and the military rode

through the crowd to Park-lane, with their horse-pistols in their hands.

HYDE-PARK CORNER.

After the commencement of the procession had passed Hyde-Park corner, and entered Piccadilly, fresh interruption took place. Considerable parties of Benefit Societies, of different trades, &c. who had carried Addresses to the Queen, appeared at this point with their banners and solemn music, prepared to join the procession. They occasioned some delay. Next it was found that Park-lane, the then contemplated route, had been stopped up almost as effectually as Church-lane at Kensington had been previously rendered impassable. The procession was thereby again brought to a complete stand-still, one that was rendered the more painful and alarming, owing to the increased numbers of the populace as well as of the horse soldiers. Several hundreds of Horse-guards and of Blues lined the streets, and the former certainly were not hailed in a very complimentary manner by portions of the vast and in many instances irritated multitude now assembled. Sir R. Baker knew not what to do; Officers of the Guards said they must obey their orders—they were positive—they were peremptory. The people looked to the Gentlemen on horseback, particularly to several distinguished Citizens, for them to advocate their cause at this

critical juncture, with the Civil and Military Authorities. A more frightful state of things we never beheld ; we apprehended the most dreadful consequences—pistols, as well as swords, were drawn, the Guards displaying the most determined demeanour.

Mr. Hurcombe, the Common Councilman, at this fearful moment, rode up to Sir R. Baker, and claimed his attention, if he had no right to ask that of the officers. He said, amongst other observations, "For Heaven's sake ! Sir Robert, let the procession proceed through the City. You see the people will not be satisfied without such course be pursued. If the contrary course be persisted in, the consequences, I fear, must be dreadful. There is every reason to apprehend that in such case blood will be spilled—lives will be lost. Therefore reflect well, and let the procession proceed through the City."

Sir R. Baker.—I know not what to do ; the orders are positive—peremptory : I cannot change them.

Mr. Hurcombe.—You see that the lives of your fellow-citizens are placed in jeopardy—you see what is the state of the public mind ; therefore, let me beseech you, take on yourself the responsibility of ordering the corpse to pass through the City. You will thereby doubtless save many lives ; and if you do not pursue such course, and should lives be lost, who will be answerable for them after this warning ? Will not you be

answerable? Then take on yourself the responsibility.

Sir R. Baker.—I will.

He afterwards held a conversation with an Officer of the Guards, who said that his orders were peremptory, that he could not proceed through the city; and be the consequences what they might, he must fulfil his orders. He at the same time called on Sir R. Baker to aid him with the civil power in the execution of such duty.

RETROGRADE MOVEMENT—PARK-LANE.

Mr. Bailey now intimated a desire that the cavalcade should again attempt to pass up Park-lane into Oxford-street: but it was found impracticable. The head of the procession was then moved down the line of Piccadilly, and had proceeded nearly as far as Lord Coventry's house, when it was met by a fresh reinforcement of horse-soldiers, by whom its further progress in that route was stopped. The conduct of the people during this stoppage, towards the military, was of a trying nature. After some hesitation, the leaders of the procession and the military commanders being apparently occupied in deliberating on the course to be taken, the whole made a retrograde movement towards Hyde-Park corner. Upon this the mob gave a loud and deep shout, and mud and missiles flew at the soldiery from all directions. A party of dragoons were

immediately sent round to Park-lane, with strict orders to remove the carts; in which service, we regret to say, many of them, as well as the crowd, were badly wounded, the former with stones, and the latter with the swords of the soldiery. One dragoon had his eye severely cut with a stone; and he would, no doubt, have killed the man with his sabre, had it not been for the humane interference of Sir R. Baker. The line of waggons, however, was so very compact, that it was found impossible to remove them, and this circumstance being communicated to the Magistrates, whose strict orders were, that it should take no other route than that prescribed by the officers of His Majesty's Government, it was, after considerable stoppage, agreed to open Hyde-Park-gate, and orders were given to admit the whole cavalcade, and to exclude the crowd, which was at length effected after considerable resistance, and pelting on the part of the latter.

**HYDE-PARK.—FATAL CONFLICT BETWEEN THE
MILITARY AND THE POPULACE.**

At half-past twelve the whole of the funeral procession had entered the Park; and, in spite of every effort, a number of people forced admission. Those of the populace who were excluded from accompanying the funeral in the Park, turned up Park-lane, and pursued the direction of Oxford-street, at a rapid rate. No further in-

terruption took place till the arrival of the procession at Cumberland-gate. Some of the more zealous of the populace finding their efforts to force a passage for the hearse in a direct route for Temple Bar frustrated at one point, now bethought themselves of bringing their favourite plan to bear by shutting Cumberland-gate against the military. They seized upon the iron gates at this point, and having closed them, collected in great force, and seemed resolved upon keeping possession to the last. Their object was, by obstructing the advance in this quarter, to force the procession back to Piccadilly, when, as Park-lane was blocked up, it was deemed that it would of necessity take the direction of St. James's-street. The crowd grew more dense every moment around the gate, and in every avenue leading towards that quarter, a determined disposition became manifest to maintain their object by forcible resistance. The military, notwithstanding the great opposition they had to encounter, succeeded in carrying the gates without resorting to extreme measures. Indeed the forbearance displayed up to this period was highly praiseworthy. Having made clear the passage of the gates, the military gained Oxford-street, and were about to proceed according to the appointed route by the Edgeware-road. In this design they were rudely opposed by the populace, who, in the most daring manner, rushed upon the horses, and seizing the bridles, at-

tempted to turn their heads down Oxford-street, their backs to Tyburn turnpike. The soldiers took no other means of repulsing this attack than by repressing the people as they advanced with the backs and sides of their sabres.

An eye-witness of this part of the conflict, and particularly of the firing, states, that a strong party of Life Guards had been drawn across Oxford-street, from the top of Park-lane, to prevent the passage of the cavalcade in that direction; and the Officer commanding it was exceedingly active in the distribution of his orders to the men posted at the several points. Upon him an attack was first made by the crowd, who assailed him with brickbats, stones, mud, and gravel, which compelled him to retire for an instant, when a more furious attack with the same sort of missiles was made upon his party. At this period Sir Robert Baker, having in vain endeavoured to open a passage through the mob, and to remove the impediments from the entrance to the Edgeware-road, read the Riot Act, and the military preparing to move, the populace began to retreat in all directions.

About thirty yards of the iron railing on the parapet wall of Hyde-Park, between Cumberland-gate and Tyburn-turnpike, were torn down, and a way thus made for the passage of the multitude. The materials of the wall were immediately converted into ammunition by the crowd, and a party of the Life Guards having dis-

mounted, advanced under the cover of a double line of mounted cavalry to force the barricade which had been thrown up across the road, and were furiously attacked by them. Orders were then given for the remainder of the party to charge the crowd, which they did, advancing rapidly upon them, and flourishing their swords right and left, striking chiefly with the flat or broad sides, but in many instances using the points and edge.

Upon this some persons in the rear, presenting a dense and formidable mass, raised the cry of—“The soldiers are cutting down the people,” which was immediately followed up by showers of brickbats, stones, and missiles of divers descriptions, which were hurled at the soldiers. The pressure of the crowd continued, and the shower of missiles was kept up at so brisk a rate, that the troops must have been forced from their ground had they not adopted the most decisive measures. Several were unhorsed by brickbats, and many suffered the most severe bruises, and, after bearing with the most exemplary patience and fortitude, these repeated assaults, the painful order to fire was given. We believe the first discharge of carbines was over the heads of the people, but not having the desired effect, it was found necessary to fire amongst the crowd, in consequence of which one person was killed; another, George Francis, a bricklayer, mortally wounded; and several others severely. One of

the sufferers was named Richard Honey, a carpenter, residing at No. 3, Crown-street, Soho. He was shot at the corner of Great Cumberland-street, and the body was carried to the General Townshend, in Oxford-street. Several were carried to St. George's Hospital. As the carbines were discharged at random, some gentlemen belonging to the parish of Hammersmith, and who occupied a coach next to that of Alderman Wood, narrowly escaped with their lives. A ball passed through one of the panels of the coach, and came out at the other side, but most providentially without any injury to those within it.

Upon the wall of the City of Quebec public-house, is the mark of a ball from a carbine, which penetrated between two bricks, within a few inches of the window, which was occupied by persons viewing the scene then passing in the street.

CUMBERLAND GATE AND THE NEW ROAD.

The procession now crossed the end of Oxford-street; and, leaving Tyburn-turnpike on the left, passed down the Edgeware-road towards Paddington. Almost immediately upon the cessation of the firing, the latter part of the procession, which during the continuance of the unfortunate affray between the military and the people had remained in the Park, proceeded rapidly forward, and joined the rest of the funeral train in

the Edgeware-road. Upon leaving the Park, several mourning coaches, followed by a considerable number of horsemen, broke out of the line of the procession, and proceeding down Cumberland-street, turned off to the right, and, as far as we could learn, did not again take any share in the solemn ceremony in which they had previously borne a part. Whether this proceeding resulted from a feeling of disgust at the transaction which had just before taken place, we do not know ; but it was evident that at this moment the minds of the individuals in the procession were much discomposed. The populace in Oxford-road and at Tyburn-gate appeared to be in the highest degree exasperated against the military, whom they loaded with the bitterest execrations. Some cried out " They have shot a man, and killed him ; " others wished to draw the attention of the horsemen in the funeral train to the blood of the unfortunate sufferers in the conflict, which stained the ground in several places. It must be confessed that, under these circumstances, it required some little nerve in an individual to continue in a course in which it was not improbable he might again be liable to behold scenes of horror and danger similar to that of which he had recently been a spectator. However, the admirers of her late Majesty were not to be deterred, and the procession continued to proceed along the Edgeware-road, as strong in numbers as when it first left Hammersmith, with

the exception of the seceders we have above alluded to. The rain, which had latterly somewhat abated, again poured in torrents as the procession advanced on the Edgware-road. The number of pedestrian followers, however, continued undiminished. Indeed, it was somewhat surprising, at least it would have been so on any other occasion, to perceive the vast number of respectable people who followed the procession on foot, and who, although it was evident that many of them had put on their mourning for the first time, proceeded onwards totally regardless of the almost incessant rain which wetted them to the skin. The expression of deep feeling among the spectators of this day's ceremony far surpassed even the expectations which had been formed on this subject. As the procession moved along the New-road, the crowd became more dense and compact. Large groups of individuals in carriages, on horseback, and on foot, were collected at the ends of all the streets running south from the New-road. At the top of Portland-place, and in the Regent's-park, the assemblage was immense.

STOPPAGE AT TOTTENHAM-COURT ROAD.

It was about half-past one when the head of the procession had advanced to the end of the New Paddington road, and was about to cross the top of Tottenham-court-road, for the purpose

of continuing the route to the City-road. Here, however, a sudden and insurmountable obstacle presented itself: the people, who at Cumberland-gate had been checked in their endeavours to turn the procession out of the by-paths chosen by the Government into the open public-street, now made a second and more successful attempt to effect the object of having the Queen carried through the metropolis.

Though, to a close observer, it was evident that there was none of that communication between the different portions of the immense multitude which could imply concert or previous design, yet so unanimous was the wish that the funeral should pass through the city, that the common feeling ran from one to another with all the simultaneous rapidity of an electric shock. In an instant they put in practice the only effectual means of obtaining their object; every waggon, cart, coach, and vehicle of whatever description, was seized, or rather spontaneously seemed to go and form itself into parts of a dense deep mass, extending the whole width of the road, and almost 100 yards in depth. Through such a compact body it was impossible to force any passage except by artillery. The leader of the procession looked at the impenetrable mass with dismay, and turned down into Tottenham-court-road. The persons, however, who had the conduct of the funeral, were not yet awakened to the impossibility of carrying their design into

execution, but made another fruitless effort to deviate into a lone and by-way ; but the skill and dexterity of the multitude again anticipated and defeated them. Francis-street, Tottenham-court-road, down which the leader of the procession attempted to pass, was in an instant blocked up with carriages of all descriptions, which seemed to rush to a common centre as if by instinct. The procession was thus compelled to move on in a straight line towards St. Giles's, every street which leads out of Tottenham-court-road towards the direction of the New-road, being rendered inaccessible by the instantaneous blockade of the multitude.

TOTTENHAM-COURT ROAD TO THE CITY.

At the bottom of Oxford-street the conductors of the procession intended to turn the cavalcade back into some of the by-streets by means of a company of foot-soldiers ; but the military were too late, either by passive obstruction or otherwise. The procession now moved onwards till it reached the top of Drury-lane ; and here the main passage down Holborn being completely blocked up, it was compelled to take the direction towards the Strand. Nay, so anxious and so determined were the people not to be defeated, that it having occurred to them that another attempt might be made to regain the irregular path, by turning out of Drury-lane into Great

Queen-street, and thus returning to Holborn, they effectually blocked up the avenue of Queen-street, and forced the procession to descend into the Strand. It may here be proper to remark, that the Oxford Blues, who were on duty at the time the Life Guards fired on the crowd, did not participate in that act. They were, of course, during the whole day, favourites of the people, and were repeatedly cheered. Though the public were displeased to see any military force in the procession, the mild conduct of these soldiers and their officers seemed to attract that approbation which is always given to men who behave with moderation and propriety, in whatever situation they may be placed.

Various but most unsuccessful efforts were made to precipitate the funeral through High-Holborn, and thence, northerly, by one of the many obscure-streets with which the neighbourhood abounds. But these efforts were futile. Every attempt having been effectually baffled, the funeral proceeded quietly towards Temple-bar.

When the cavalcade arrived at the bottom of Newcastle-street, a body of infantry was drawn in a semi-circular line across the street from the New Church.

Upon reaching Temple-bar, the procession halted for a short time; and we understand that a part of the body of Life Guards which had hitherto accompanied the cavalcade, here sepa-

rated from it, and returned to the west end of the town. The Oxford Blues were much applauded by the people at this spot.

So little expectation was entertained by the City authorities that the remains of Her Majesty would ultimately be conveyed through the City, that the Lord Mayor was in Guildhall, presiding as governor of the Irish Society, when about half-past two o'clock a private individual announced that the procession with the remains of the Queen was then coming into the City ; whereupon the Court was adjourned by desire of several of the members, and his Lordship proceeded on foot to the Mansion-house, after giving directions to one of the City officers to proceed and obtain perfect information as to the truth of the circumstance stated to him ; and this being ascertained, his Lordship proceeded from the Mansion-house in his private carriage towards Temple-bar, where, meeting the cavalcade, he placed himself at its head, and in this order it proceeded. It is almost unnecessary to state that all the shops in the streets through which the procession moved in the City were closely shut up, and all the windows of the houses in the same line were crowded with individuals dressed generally in deep mourning, who appeared to take the deepest interest in the solemn scene which was passing before them. The route observed through the City was along Fleet-street and Ludgate-hill, round St. Paul's church-yard, through Cheap-

side, past the Exchange into Leadenhall-street, and from thence to Whitechapel-church. The numbers of the people assembled in these streets exceeded all calculation. The roofs of houses, and every point which could command a view of the procession were possessed by anxious multitudes. A very delicate mark of respect was shown by the people in the City towards the remains of our lamented Queen. The populace in the streets, and the inhabitants at their windows, invariably stood uncovered while the hearse passed.

As the procession moved along the City, we noticed that the Oxford Blues, who then formed the principal escort, were cordially greeted by the populace on either side of the street, who shook them by the hands, slapped them on the thighs, and patted their horses, exclaiming "Success to the Blues," "The Blues for ever," "True Blues," and using other expressions of approbation. Such as could not come nearer to them, applauded them by clapping of hands. Those who had, during the trial of the Queen, waited on Her Majesty with addresses, were not negligent on this occasion. She, whom they had loved in life, they followed in death; and, after bearing a heavy rain from four o'clock in the morning till twelve at noon, they joined the funeral procession, and followed all that remained of Caroline Amelia into the metropolis of this great empire. We observed amongst those

faithful people, the carpenters, the brass-founders, the morocco leather-dressers, coopers, &c. They marched in ranks, with banners and emblems of their profession. One large banner, white with black letters, had the following inscription:—"Power of Public Opinion;"—another had—"United we stand;" another,— "Spanish Leather-dressers;" "Justice will triumph;" another—"Friends of Humanity."

At the boundary of the city, in Whitechapel, the Lord Mayor and Mr. Sheriff Waithman left the procession; it was then five o'clock; and the fatigue and exhaustion of both man and horse were such as to make it impossible to go much further without rest.

ROUTE FROM WHITECHAPEL TO ROMFORD.

From Whitechapel the procession moved on to Mile-end, in the same order in which it had passed through the city, with this difference, that before it reached to the former place it was joined by a large additional body of sailors, who formed in small parties of six a-breast, intervening between the hearse and the carriages in front. The procession at this place (Mile-end) advanced at a much more rapid rate than it had been enabled to do before. The groups of mariners which had just joined it, however, kept pace with it, and continued to move on in very regular order until it reached Bow.

The procession entered Bow a short time past 5 o'clock. The crowds which lined the roads and filled the houses on its approach to this place were very great. Not an elevation on which even a single individual could obtain a sight of the approaching procession remained unoccupied. The streets were thronged, the houses and windows were filled, and not a place was left empty at its approach. The grief of very many of the most respectable females, who witnessed the procession, appeared rather as that which is created by the loss of a dear and intimate friend, than what is generally felt for the departure of a person of her late Majesty's rank. We mentioned before, that a large body of mariners joined the melancholy procession at Mile-end. They continued with it (though even at this place the rapidity of its movements was considerably greater than what would be called very quick walking) until it reached nearly to Bow : at this place the cavalry (and of course the hearse and its attendant carriages) advanced at such a quick rate as defied the exertions of an ordinary pedestrian. The consequence was, that many of those who had accompanied the funeral on foot, were obliged to drop behind. This rapid pace was continued for the greater part of the way between Mile-end and Bow ; and though at the latter place, in consequence of the great crowds which preceded it, its speed was relaxed, yet still it was greater than that with which an

ordinary pedestrian could keep pace. This quick movement was sometimes given up for a more slow and solemn motion, but at intervals the cavalcade would break into a rapid movement, wholly inconsistent with dignity or solemnity. In justice we must add, that the kind of haste which we have here been forced to notice, did not continue throughout the procession to Romford, but that it now and then subsided into the more solemn movement which befitted the funeral of a Queen. The procession continued in nearly the same order from Bow to Stratford, in both of which places, we should observe, its entrance was announced by the tolling of the church-bells. In Stratford there was the same concourse of spectators, and the same affecting sympathy from the females, which we noticed before. At this latter place, the bodies of sailors which had joined the procession formed in lines, at each side the road; and as soon as the procession passed through, they returned towards town. Many of the horsemen, who had accompanied the funeral from Hyde-park, also quitted at this place. The cavalcade then moved on, occasionally in a very quick trot to Ilford. Here the funeral was met by large bodies of the inhabitants on horseback, on foot, and in vehicles of every description, which lined the roads at both sides. Among these we noticed a number of private carriages filled with ladies dressed in deep mourning.

At a quarter past six o'clock the funeral ex-

tered Ilford, the streets of which were thronged with spectators. At the doors and windows of every house we noticed groups of individuals. At Ilford the greater part of the Knight Marshal's men left the procession. The cavalcade then moved on towards Romford, but at rather a slower pace than it had kept since it left Mile-end. At about a mile at this side of the town it was met by a deputation of the inhabitants, attired in deep mourning, each individual bearing a black wand, covered at the top with crape. Preceded by this body it entered Romford at a quarter to eight o'clock. The inhabitants had been expecting it for several hours before; and the most strange stories were prevalent as to the cause of its delay. The White-Hart Inn, where it was determined that Her Majesty's suite should stop and dine, was hung with mourning. A large canopy, covered with black cloth handsomely festooned, was raised over the gateway under which the persons composing the procession had to pass. As soon as the mourners had alighted from their carriages, the hearse with the Royal remains was drawn up about a hundred yards further into the town. The Horse Guards (blue,) which had attended it from London, were here relieved by a party of the 4th Light Dragoons. Of these, a small guard of honour was placed round the hearse; the remainder of the troop paraded up and down the street in its vicinity. It was expected by some that the stay of the procession

at Romford would not exceed half an hour, and by others it was thought that it would remain there for the night. Indeed, from the fatigue which all the individuals who formed the procession had undergone, it was impossible that they could proceed without some considerable time being allowed for refreshment and repose. We understand that the principal persons of Her Majesty's suite objected to going farther for that night, and that some considerable time was occupied in the discussion between them and the individuals who had the direction of the funeral, on this subject. It was at length determined that the body should be conveyed on to Chelmsford, and that the principal persons of the suite should remain to rest at Romford until an early hour in the morning, at which time they were to set off to overtake the procession before it reached Colchester.

Alderman Wood, Dr. Lushington, and Mr. Wilde, intended to accompany the body to Chelmsford. Mr. Wilde, we should observe, did not accompany the funeral from town. He was so dissatisfied with the proceedings of Government with respect to the funeral, that he refused to take any part in it ; but still he determined to join it privately at Romford.

Soon after eleven o'clock, orders were given for the procession to form again, and at a quarter before twelve the bugle sounded, and it moved forward precisely in the same order as it left the

metropolis, and headed by a deputation of the inhabitants: but instead of the crape-wreathed wand, each man now bore a lighted flambeau. We have seldom witnessed a scene of more profound melancholy than that which presented itself at this moment. The evening was at this time most beautiful. Not a single cloud was above the horizon. The moon hung serenely majestic, almost in the zenith, throwing her peaceful silvery light over the moist green landscape. The long sable train, which to the eye appeared almost interminable, winding slowly along, led on by the gleam of a hundred flambeaux; the arms of the soldiery glittering in the moonbeams; the nodding plumes and heraldic emblazonments, which adorned that hearse wherein reposed alone, and in the stillness of death, all that now remained on earth of an illustrious Princess; the groups of hushed spectators scattered here and there along the sides of the road; and the dead silence of the night, broken only by the audible weeping of here and there a female looker-on; the low broken whisperings of the men; the scarcely-heard clank of arms and trampling of horse, and the mournful pealing of the distant bells, formed altogether a sublime moral picture, forcing unearthly musings on the dullest observer. At about a mile from the town, at the bottom of a richly-wooded descent, the deputation of the inhabitants opened to the right and left, and arranged themselves on either side

the road with their flambeaux, uncovering their heads as the corpse approached, and extinguishing their flambeaux the moment it had passed. There was something highly affecting in this little ceremony. The cavalcade now moved on at a brisk pace, and passed through the villages of Brentwood and Ingatestone, without any incident occurring worthy of note, and it entered the town of Chelmsford just as the morning began to dawn.

During the few short stoppages which the funeral made on the road, a great number of very decent people pressed round the hearse, anxious to be allowed to touch the coffin. The wish of many of them was complied with, and they laid their hands on the end of the coffin with the utmost reverence, and departed apparently highly gratified.

CHELMSFORD.

At four o'clock the coffin was lifted out of the hearse, and the Undertakers' men proceeded with it into the church, and laid it on the trestles. This simple act comprized the whole ceremony of the reception of Her Majesty's remains within the church of Chelmsford. Neither the Rector (the Rev. Mr. Warde,) nor the Curate (the Rev. Mr. Hutchinson,) were in attendance. One of these gentlemen called at the church on the previous Tuesday merely to give some general directions about the preparations. There was no other person in authority at the church to receive

the Royal coffin. As soon as it was placed on the trestles, the tapers were lighted. No one was permitted to enter, except a few by favour. The windows of the church were besieged with multitudes eagerly prying for a sight of the coffin. The arrangement, on the whole, seemed to give much disappointment to the various bodies that had arrived in the course of the morning from different parts of the neighbouring country.

At eleven on Wednesday, two troops of Light Dragoons, of the regiment called the Queen's Own, were drawn up before the church. The hearse was brought down, and the mourning coaches forming the procession arranged as before. The Undertakers were employed to bring out Her Majesty's remains from the church; the bell tolled, and the funeral proceeded. All the attendant mourners were ready from nine o'clock, the hour originally fixed upon for their departure. The respite of two hours, which they enjoyed, was entirely owing to the good-will and pleasure of the government directors of the ceremony.

The cavalcade arrived at Kelvedon about three o'clock in the afternoon. When it left Chelmsford, the greater part of the population went along with it, the gentry all dressed in decent mourning, and the labouring classes either in black or in their best holyday clothes. On their return, deep sorrow was visibly imprinted on the faces of all. The same symptoms of grief were also discernible in the inhabitants of Springfield,

the first village on the road to Kelvedon : in that neighbourhood the hedges appeared to be teeming with human beings ; and it was evident from the spectacle then exhibited, that it was not merely the villagers on the exact line of road that had come to mourn at Her Majesty's untimely fate, but also those from a considerable distance. The procession, contrary to the practice of the preceding day, was closed by a small squadron of the 4th Light Dragoons. This regiment is called the " Queen's Own," and is said to be very proud of its appellation. The closing of the procession of mourning coaches in this manner certainly added to its picturesque appearance, and, as it was also opened by an advanced guard of the same regiment, made it more unique and uniform. At the pleasant little villages of Boreholme and Hatfield there was the same prevalence of good, kind, genuine English feeling, as had been witnessed all along the road. The populous township of Witham, however, in its exhibition of mournful attachment to Her Majesty, rivalled, if it did not surpass, any township there has yet been occasion to mention. From the highest to the lowest persons in the town, all were in mourning, and it could not have been more general had each family in the place lost a near and dear relation. The only exception was in the house of a Quaker, whose religious tenets prevented him from exhibiting any outward appearance of his inward grief. The housetops

were crowded with numbers of well-dressed females, many of them in tears : the male inhabitants appeared to be all engaged in preceding the procession on horseback to Colchester. Indeed, the cavalcade of horsemen at Kelvedon was considerable, and as it was mostly formed of substantial farmers, assumed a very imposing appearance.

COLCHESTER.

The roads between Kelvedon and Colchester were filled with small detached parties of men and women, who were all anxious to secure a view of the melancholy procession which was carrying the Queen of their affections home to the mausoleum of her paternal ancestors, instead of to the tombs of that family into which she had been adopted by marriage. About Langston the road is so peculiarly formed, from its being cut through a small declivity, that the ridges on each side of it afforded as it were excellent galleries for the accommodation of the numerous spectators who hastened to crown them. Men, women, and children, of all sizes, ages, ranks, and conditions, were piled without any regard to regularity upon them, as we passed by them, which was about half an hour before the arrival of Her Majesty's escort. On mounting the hill on which the town of Colchester is situated, we had a good opportunity for beholding the vast

multitude which was pouring out of it in all directions. We had neither time nor inclination to give much notice to the general demeanour of the populace, as our attention was rivetted most strongly to the grave and steady deportment of a body of gentlemen, who were marching with "solemn step and slow" to meet the funeral. Proceeding onwards to the town, which they had left, we there found not only the streets quite filled, but the housetops and windows crammed with spectators, who, as we were informed, were mostly strangers to Colchester, and were drawn to it by the strong feeling of regret which prevailed in the surrounding country for the untimely fate of oppressed Majesty. After putting up our horses, we returned on foot to meet the procession, and must candidly own that on its entering this town, it presented itself in a more interesting point of view than any in which we had previously seen it. The crowds which surrounded it were immense, but were marshalled in such admirable order, and influenced by so kindly a spirit, that not the slightest confusion appeared among them. There was a gravity of demeanour observable in all, highly gratifying to the friends of Her Majesty, highly appropriate to the solemnity of the occasion, and highly meritorious in those who displayed it. The procession moved on to the bottom of Butt-street, and to the opening of Head-street, at a foot pace, headed by a small advanced guard of the 4th

Dragoons, with swords sheathed, and with carbines in their hands. At a short distance afterwards followed a squadron, preceded by the bugles of the two troops employed on this occasion: then came the band of gentlemen mourners, to whom we have previously alluded, headed by the Rev. Mr. Frank, of Sudbury, a clergyman of the Church of England, in full canonicals, and several other persons of the first consequence in this neighbourhood. Their numbers were now increased to more than 350 persons, all in black, and linked arm in arm with each other, in rows of four and five each. They were followed by about 100 gentlemen on horseback, who had attended the procession for some miles. Then came another squadron of the Dragoons, and then the remainder of the procession, in the same order which we have before had occasion to describe. On turning into the High-street the bugles of the regiment began playing the Dead March in Saul, and continued to play it till the hearse arrived at the Three Cups Inn, where it was intended to remain till all was ready for another advance. A body of dismounted dragoons stationed by one of the public buildings presented arms to the coffin as it passed them, a manœuvre which seemed to afford considerable pleasure to those of the spectators who observed it. As soon as the body of gentlemen mourners had arrived in the High-street, and had taken what is technically called their ground, they

wheeled off into two distinct bodies to the right and left, and thus one of them formed one side, and the other another side, of the living avenue, through which the Royal cortege was to pass. We never saw a manœuvre on a field day executed by a set of soldiers with greater order and regularity than was this step on the part of the mourners: if they had been exercising it daily for 20 years, they could not have performed it with greater dexterity. The procession then moved quietly on through them until it reached the Three Cups, where refreshments were understood to be provided for the different members of her late Majesty's household. The bells of the different parish churches were tolling during all this time, and every shop in the town was most completely closed. The hearse remained in the street.

The order was given by Mr. Bailey, the director general of the funeral, that the procession, after about three hours rest, was to set out for Harwich at eight o'clock, and a relief of the 4th Light Dragoons was in readiness to escort it. A representation was made to this absolute person, that the rapidity with which the procession was advancing was felt as a serious inconvenience, and that not only for the preservation of due decorum, but for the necessary refreshment of the friends of her late Majesty who attended her remains, the delay of a night was desirable. A reasoning probably could not be expected to be

much listened to in such a case and such a quarter, Dr. Lushington produced what he conceived would be worth a thousand reasons to a Government undertaker—namely, a letter from the Earl of Liverpool, in which his Lordship mentioned to the learned Doctor, that if it was called for by the convenience of the parties, the procession might be two nights on the road, as he had no wish to hurry it on beyond such convenience. On this Mr. Bailey assumed higher pretensions than ever, and replied, that he did not care for letters of Lord Liverpool, while he had in his pocket a King's order to reach Harwich the second night. This order Dr. Lushington requested him to produce, when the former handed him a paper containing the arrangements of the procession, but without a signature. When this essential defect was announced, and Mr. Bailey was asked whether he considered a paper without a signature as sufficient authority for acting as he did, he replied, that the want of a signature was of no consequence in his eyes, as he knew who wrote the paper, and that on his responsibility the procession should move at eight o'clock. Silent submission was the only reply to commands enforced by a military force, and remonstrance would have been vain where nothing but the argument of force would have been understood. The Queen's household and executors, therefore, were prepared for their departure after snatching a hasty meal, when Mr. Bailey entered, and

said that if they preferred staying at Colchester for the night, he had no particular objections. To this proposal they of course assented; and after horses were put to one of the mourning carriages, the order for an immediate departure to Harwich was countermanded, and a night's repose granted to the fatigued and harassed party. Though the Royal remains had stood in the street during the time of refreshment, it was thought too indecent that they should be there kept during the night. Accordingly, preparations were made for removing them to St. Peter's church, the chief church, we believe, of the town. The hearse was therefore about 9 o'clock drawn up the High-street, escorted by a fresh detachment of the 4th Light Dragoons, and attended by her late Majesty's household. The pulpit had previously been hung with black, and preparations had been made beside the altar for receiving the coffin, which was taken from the hearse and there deposited. Immediately after, there ensued a scene very unlike that at the church at Chelmsford, and which must give deep disgust to every true friend of the monarchy. Her Majesty's remains had been hurried with such indecent precipitation from Hammersmith, that time was not even allowed for settling and affixing the plate which contained the account of her age and station on her coffin. A Latin inscription we certainly saw, and a plate containing it was said to have been ready made in the pocket of the Un-

dertaker ; but Dr. Lushington, as one of her late Majesty's executors, had declared to Lord Liverpool that he would object to it, and accordingly it was not affixed. The learned Doctor had, at the same time, expressed a desire to have the inscription proposed in Her Majesty's will adopted, and to that proposition his Lordship replied, that if the legend in question were to be inscribed on Her Majesty's coffin, it must be done by the executors, and not considered as having obtained the approbation of Government. This did not amount, in the opinion of Her Majesty's executors, to an absolute prohibition, and accordingly, having provided a plate with the testamentary words, " Deposited, Caroline of Brunswick, the injured Queen of England," they chose this, as the last stage of the funeral procession, to screw it on. The church was the only place where this could be done, and in the church it was done, after much altercation. Sir George Nayler objected. He called Mr. Thomas, of the Lord Chamberlain's office, who likewise objected ; the Undertaker joined in the protest, and the Clergyman, and some persons who called themselves Magistrates, entered into such arguments as they could employ against Dr. Lushington. The learned Doctor and Mr. Wilde conducted themselves with great moderation and propriety, declining useless altercation, and requesting an express to be sent to London, to ascertain the commands of Government. This arrangement

we did not hear was agreed to, but before the executors left the church they obtained an engagement from the Undertaker that the plate should not be removed in the night.

The coffin of course could not be deposited in the grave without an inscription, and as no Government inscription was enforced, the presumption was in favour of that desired by Her Majesty in her last will.

The procession proceeded from Colchester at 6 in the morning. The hearse was escorted by three troops. The people were all out as if at mid-day, and the bells were tolled as had been usual on the road.

The plate, containing the inscription which was put on Her Majesty's coffin last night, has this morning been taken off. For the remorseless indecency and indignity of this proceeding, the Government conductors of the funeral at last pleaded an order from the Prime Minister. An answer had been received from Lord Liverpool, stating, that as Government had undertaken the charge of the funeral, which the executors had renounced, he conceived that while Her Majesty's remains were in this country, they (the executors) had no right to interfere with any part of the management or arrangements. As soon as they arrived at Stadt, in Germany, they might do in this matter what they thought proper. On this answer being received, the undertakers immediately proceeded to remove

the affecting inscription, which contained too much truth and feeling to receive the sanction of Government. The act was done by a constable of Colchester, at the desire of those who were entrusted with the custody of the body, during the night.

Next day four private coaches in mourning joined the procession.

ON THE ROAD TO HARWICH.

The villagers of Mistley Thorn were most of them in deep mourning, and seemed to take an anxious part in the funeral obsequies of Her Majesty. All the vessels that were in Manningtree river had their colours hoisted half-mast high, and some of them were even covered with crape. The bells of the church tolled in mournful sympathy with the grief which was visibly expressed in the face of every individual around us. About a mile and a half from Mistley Thorn, the ascent to the summit of a hill gave us an opportunity of taking a coup d'œil of the whole of this mournful procession. It extended for more than a mile in length, and seen from the distance, it assumed a more picturesque appearance than really belonged to it when closely examined. The mourning carriages, with dragoons placed at intervals between them, and flanked by crowds of people all bending their steps to Harwich,

would clearly prove to a stranger, that the obsequies which were then celebrating were those of a person of rank ; but the indecent haste at which the cortège proceeded, would prevent him from supposing that they were the obsequies of a Queen. The procession proceeded four miles an hour, which, rapid as the pace is, would not appear so indecorously so, if it had been always uniform ; but it frequently advanced at the rate of seven miles an hour, and then made a long halt to prevent it from proceeding at more than the average rate of four miles in that period.

An hour's ride brought us to the church of a small hamlet on the top of a hill called Dovercourt. We were told that preparations were made in this church the previous night for the reception of the Royal victim, owing to Harwich church being under some repairs.

The sea now opened upon our view ; and one of the most prominent objects upon it was the *Glasgow* frigate, stationed at some distance from Landguard fort. In the river were seen at the same time the six smaller vessels which were to accompany that vessel on its voyage to Germany. The boats around them appeared to be almost innumerable. No cavalcade marched out to meet the procession, but the hills were lined by a population amounting to at least four times that of the population at Harwich.

**HARWICH.—ARRIVAL OF THE FUNERAL PROCESSION,
AND EMBARKATION OF HER LATE MAJESTY'S RE-
MAINS.**

At half-past eleven the procession arrived in this place. It was met on the outside of the town by a detachment of the 86th, of about 150 men, with a stand of colours, and band. The crowds of well-dressed people in mourning who were waiting on the slopes of the fort, and on the edges of the road, certainly expected a procession of a very different kind from that which wound down the hill into the town, after the assurance given by Lord Liverpool to Lady Hood, that the funeral should be conducted with decency, order, and in a becoming manner. The procession as it entered Harwich was literally such as is now mentioned. A small advanced guard of cavalry preceded; Mr. Chittenden, the undertaker, on a lame horse, headed; ten undertakers on horseback in pairs—a miserable spectacle, both as to cattle, dress, and persons, some with shoes, some with gaiters, others in boots, some in spurs, others not—followed their leader. Three mourning coaches and six, one of which contained the real directors and lords of this strange ceremony, Mr. Bailey and Mr. Thomas; the two others containing the servants of the Queen's household, came next. Mr. Bailey was the head undertaker, and Mr. Thomas the deputy of the non-existent Lord Chamberlain.

About 25 cavalry, 4th Dragoons, followed. Then came Her Majesty's own carriage, drawn by six bay horses, containing Sir George Nayler, his companion, the cushion and crown: the crown, a tawdry bauble decorated with white beads, strung round in a manner that would have disgraced a country stage. Then followed the hearse, drawn by eight black horses. No plumes on the horses—a few paltry feathers on the hearse. No platcaus of plumes carried, as is the case at almost all respectable funerals. The Royal arms were still left upon the hearse, but all the escutcheons, if there ever had been any, were removed from the horses. No attendance of heralds or marshal's men. Two undertaker's men on foot graced this part of the procession, and the same number of cavalry as had preceded the Queen's carriage, followed the body. Nine mourning coaches, containing Lord Hood, Lady Hood, and Lady Anne Hamilton, and those of Her Majesty's family enumerated in former accounts, were next seen: one appeared to contain undertaker's men, and another nothing but luggage. The wretched appearance of the carriages, of the horses, of the drivers, and of the trappings, surprised every spectator. Then followed the private carriage of Mr. Brougham, containing Mr. Brougham and Sir Robert Wilson. Near this carriage were remarked Mr. Hume and Mr. Hobhouse, who had attended the funeral from London. A mourning coach and six suc-

ceeded, apparently empty. Then came Lord Hood's private carriage and four. Lady Perceval's (the wife of Lord Perceval) carriage and pair came next. The carriage of Mr. Saville of Colchester, with that gentleman and another in it. Dr. Lushington's empty carriage. The Rev. Mr. Fonnereau's family, of Christ-church Park, Ipswich, in an open barouche and four. An empty gig. These equipages, brought up by another detachment of dragoons, closed the "decent," "orderly," and "becoming" funeral of the Queen of England—the wife, as the *new* inscription says, of the most *potent Monarch* George the Fourth!!

But if the reader be astonished at the foregoing details, how will he be surprised at what ensued? The executors, suite, and friends of her late Majesty, were kept in entire ignorance of the intention of Government as to the embarkation, either as to time or place. The ladies who had got into the carriage before six o'clock, knew not whether they were to proceed on board immediately or stay for refreshment. The procession, as before described, marched into the town. The dragoons preceding played the *Dead March in Saul* on their trumpets. The infantry, with arms reversed, took up the tune, going before the cavalry. The infantry had one stand of colours; the cavalry, two standards. The head of the procession arrived on the Jetty before Lord Hood, the executors, or any person knew

what was to take place. The troops drew up, opened their ranks, and formed a line on each side. Mr. Chittenden and his ten men dismounted; and it then, for the first time, appeared that the body was to be instantly removed. Mr. Wilde, the only person authoritatively employed by her late Majesty who was to be seen, was on foot near the Jetty. This gentleman, the executor of Her Majesty, was at first stopped, and had to get permission of a deputy to follow the Royal body as the coffin was carried down the Jetty; and permission was graciously granted after some delay; and the favour was extended to Mr. Hobhouse and to Mr. Hume, who stood by him. The soldiers and constables kept back the crowd. All the latter part of the procession, except the Queen's coach, and the hearse, were necessarily far behind. The Queen's coach now drew up, and Sir George Nayler and his companion got out. The crown and cushion were previously handed out to an undertaker's man, who carried it tottering, apparently unaccustomed to carry crowns, and stood alone without a single attendant near him in front. The hearse drew up next, and Mr. Chittenden, and his ten slip-shod undertakers, dragged the Royal coffin from the carriage. They raised it on their shoulders, and moved off, preceded only by Mr. Chittenden, without waiting a single instant, down the Jetty. It is scarcely credible; but it is a fact, not a single attendant of any description—

no military officer—no civil functionary! no, not a soul attended the royal corpse. No pall—no plumes. We have never seen even a pauper's coffin so unattended. A decent man would have thought that, as is the practice at every funeral, some little stop would have been made to allow Lord Hood and the Ladies of her Majesty's household to come up and follow their Royal mistress. But no; the body and the undertakers had advanced full 30 yards, and were on the edge of the outer Jetty before Lord Hood could get from his carriage, and hurry after the coffin. The next carriage, containing Lady Hood and Lady A. Hamilton, was opened in haste by some common fellow, and there being no person to receive them, either civil, military, or of the Queen's household, Lady Hood nearly fell on her face, the undertakers proceeding all this time with their burden. Lady Hood and Lady A. Hamilton standing alone, looking round them, at a loss, apparently, whither to go or what to do. Mr. Hume and Mr. Hobhouse came back in haste from their position on the edge of the Jetty, where they stood with Mr. Wilde. Mr. Hume gave his arm to Lady Hood, Mr. Hobhouse to Lady Anne Hamilton, and followed Lord Hood. The body still was carried forward. By this indecent haste, neither Dr. Lushington nor Mr. Brougham, nor any of those more immediately connected with her Majesty, could join the body until this *unpallied* coffin was slipped off the un-

dertakers' shoulders upon the slings and under the crane, that in a minute or two swung it from the shore.

Be it recollected, that this part of the ceremony, as far as regarded England, was in fact the funeral of her Majesty. Not even Mr. William Austin, the residuary legatee, could come up to be a mourner in the procession of five ! Mr. Brougham, Dr. Lushington, Mr. Alderman Wood, Sir. R. Wilson (who had travelled post from Paris on purpose to attend),—not one of these gentlemen, nor any of the suite, could come up except just in time to see the slings wound round the coffin. It was at this moment, that in the faces of all the ladies and gentlemen above mentioned, the deepest grief was depicted. Not a person refrained from shedding tears. The vulgar hands that were bustling about the last rites of departed Majesty added to the horror and sorrow of the scene. Some naval officers, who had taken their station previously on the Jetty, seemed much affected. The band which had preceded the coffin played the dead march. This was the only tribute of homage which distinguished the ceremony ; but this is granted to a grenadier. The barge of the *Glasgow* frigate, bearing the half-hoisted standard of England, with its commander, Captain Doyle, had been drawn under the point of the Jetty, and six other men of war's boats attended on the outside ready to tow it off. A few minutes before twelve, the

body was raised by the crane. At that instant Landguard fort fired the first minute gun. The coffin was lowered into the *Glasgow's* barge. A loud shriek announced that a female had fainted in one of the many boats that surrounded the point of the Jetty crowded with spectators; and the most painful anxiety and death-like stillness prevailed amongst those who, from all the surrounding points, as well as the vessels, were able to witness the last melancholy scene. A period of deeper interest, mingled with horror and disgust, never occurred on any civilized ceremony in any age or country. The coffin was in the barge, and the spectators could now see that the new silver plate had replaced the gilt plate ordered by her Majesty's will, which was affixed by the executors, and torn off by the orders of those persons who had, agreeably to his Majesty's instructions, declared their determination to fulfil her last wishes. Sir George Nayler, Mr. Chittenden, Mr. Bailey, and Mr. Thomas, now carried the crown and cushion into the barge, and placed them on the head of the coffin; and these worthy gentlemen were the only persons who were allowed to accompany the Queen's remains from the shore. Thus a single herald, an undertaker, a deputy undertaker, and a nondescript from the Chamberlain's office, without a signed order, paid the last honour to the departed Queen of England. The barge was quickly towed off surrounded by the men of war's boats to the

Pioneer schooner, a vessel employed in the preventive service, which instantly hoisted the royal standard, and made sail out of the harbour to join the *Glasgow* frigate, which lay two miles east of Landguard fort.

As soon as Lord Hood could recover from the agitation of the melancholy scene, his attention was directed to his own situation and to that of his wife, and of Lady Anne Hamilton, and the others of her late Majesty's household. His Lordship, besides the distressing circumstances of the scene described, had been much affected by the sight of Mr. Mason, midshipman on duty in the barge of the *Tyne*. The father of this young gentleman commanded the *Jupiter*, the ship that brought the Queen to England; and Lord Hood was also struck by the other strange coincidence, that Captain Doyle, who was now in charge of Her Majesty's remains to convey them from England, was the very midshipman who handed the rope to her Majesty on her ascending the man of war that brought her to England. Up to this period no one had communicated to Lord Hood when or how he was to attend the royal corpse. Mr. John Calvert, member of Parliament for Huntingdon, who had made his appearance for the first time this morning, and who was understood to have full powers from Government to attend and direct the remainder of this disgraceful proceeding, was observed upon the Jetty. Lord Hood turned to this gen-

tleman, and asked if he knew in what manner he and her late Majesty's household were to proceed from Stade to Brunswick, and afterwards return to England. Mr. Calvert said he knew nothing of the matter. Lord Hood then remonstrated, and said, that unless he knew there was some provision for their progress and return, he should not proceed. Captain White, of the *Tyne* frigate, most feelingly and politely assured his Lordship he *believed* a ship of war would attend his Lordship's return at Stade: as to his progress he of course knew nothing; but Mr. Calvert still professed ignorance as to the whole matter. Since this, however, Captain White communicated an order from the Admiralty, which satisfied his Lordship that a ship would be ready to bring him back. It might have been expected that boats would have been prepared to take him at the time.

A short time afterwards his Lordship and his Lady, Lady Ann Hamilton, Dr. and Mrs. Lushington, Count Vassali, and young Austin, embarked on board the boats of one of the schooners in the offing, and immediately proceeded to the vessel which had been prepared for their reception, and which, a few minutes after they had reached it, hoisted its sails and left the harbour to join the rest of the squadron.

Such was the beggarly manner in which those who wield the power of Great Britain thought fit to dismiss from its shore the body of their late

Queen. But the line of conduct which they in their folly thought it expedient to pursue, served only to render the affection with which the people regarded her remains more clear and powerful by the contrast. The whole population of the neighbouring villages seemed poured out to take their last farewell of this member of the House of Brunswick. Long before we arrived at Harwich, we could see the beach filled with spectators, and the river covered with boats assembled to witness the conclusion of the mournful drama which has recently been passing before the eyes of the country. The neighbouring hills and forts, viewed from the river itself, appeared to be crowned by a black mass of living mourners; whilst on the river itself every vessel, yacht, and fishing-boat, that could be procured, was occupied by persons soliciting to catch a parting glimpse of the loved remains of her in whose calamities they had long felt a lively sympathy. The situation in which we were when the coffin was lowered into the boat prepared for it, enabled us to observe, that the friction occasioned by the indecent rapidity with which it was hurried along the road, had not only torn asunder, but had absolutely torn off the bottom of the crimson velvet which was placed there for the purpose of ornament. On the crown being lowered into the boat, it immediately proceeded to the *Pioneer* schooner, and was followed at a short distance by numbers of the boats which

had previously been stationed around the Jetty, and of which several had arrived from the neighbouring ports, especially Ipswich, filled with most respectable individuals. The coffin, on the boat's reaching the schooner, was hoisted on board, and received by a party of marines with arms reversed. The crown and cushion immediately followed, and with some little show of decency; the pall was, however, thrown out of the boat to the sailors on deck by one of the three gentlemen who had it in charge, with no more ceremony than if it had been his cloak. Almost before the body was safe on deck, the sailors were busily employed in unfurling the sails, and in less than ten minutes the *Pioneer* was under sail to join the *Glasgow* frigate, which was to carry the Royal corpse over to Germany. It was followed part, if not the whole of the way out to sea, by a body of musicians, as we were informed, from Ipswich, in a boat, playing funeral marches, the melody of which, softened as it was by being heard over the water, inspired a general melancholy, not inappropriate to the solemnity of the scene. All the vessels in the roads had their colours hoisted half-mast high.

Mr. Brougham and Alderman Wood proceeded, the first by Dover, the latter by Helvoetsluys, to attend the funeral in Brunswick.

In closing the account of Her Majesty's funeral thus far, we cannot help again recurring to the

deep and general feeling which the sight of the procession excited on the whole way through which it passed. The road between London and Harwich during the day, and even a part of the night (for such was the Government expedition in this usually slow and solemn proceeding, that they hurried it forward the whole of one night,) was lined with spectators; the hedge-rows were frequently peopled; they had even climbed trees; the windows and even tops of the houses in the towns and villages were crowded, and this immense mass seemed to have only one common feeling, which nearly all manifested by a voluntary mourning-dress, and many by tears which they could not restrain. We only wish that those who have been denying the general affection and admiration entertained for Her Majesty, had witnessed a scene which would have disproved their calumnies. Many families of respectability had come from a distance in their own carriages, and had drawn up on the road in decent mourning, more to pay a melancholy duty to the remains of their Queen, than to witness the sorry spectacle of a ministerial funeral.

The bands of mourners from the towns were remarkable for the order with which they conducted their processions, the numbers they contained, and the strong feelings of veneration and regret, which they evinced. We believe that the only exception to the general feeling towards her late Majesty existed among those

who thought themselves officially bound to abet the indignities and insults of her persecutors.

Having proceeded with the interesting details of the funeral procession, down to the embarkation of Her Majesty's remains; we now revert back to the occurrences which arose out of the events of that memorable day.

The number of persons who suffered in consequence of the dreadful attack made by the military on the multitude, near Cumberland-gate, has never been accurately known; but was fortunately much less than, under such circumstances, might have been expected. The only individual actually killed on the spot was Richard Honey, a carpenter. This unfortunate man was among the spectators at Cumberland-gate; and though there appears much conflicting testimony, respecting the circumstances of the attack, (as will be seen by our subsequent particulars of the Inquest,) the general evidence concurs in stating that he was perfectly inoffensive. The attack and firing, it appears, took place at the moment the people were endeavouring to turn the direction of the funeral down Oxford-street.

George Francis, a bricklayer, was another unfortunate victim, who during this contest between the military and the people was mortally wounded. After receiving the wound, he was carried to St. George's hospital, where he shortly afterwards expired.

On Wednesday the 15th, the

INQUEST ON THE BODY OF RICHARD HONEY,
commenced sitting, at No. 4, Edgeware-road, where a large room was provided, there being none sufficiently large at the General Townshend public-house, Oxford-street ; to which place the body had been removed, and where it still remained.

Previous to the Coroner (Thomas Stirling, Esq.) taking his seat, Mr. Alderman Waithman requested that some gentleman among the reporters would take the proceedings, not with a mere view to newspaper publication, but with such accuracy, as might enable the friends of the deceased to avail themselves of it, should it appear advisable to have recourse to a Court of Justice, in the event of a verdict of Wilful Murder.

Proclamation being made in the usual form, Mr. Green was appointed foreman, when the Jury withdrew to view the body. The following is a list of the Jury :

Thomas Cafe,	Samuel Lork,
Joseph Spicer,	T. Silverwood,
W. Green, Foreman,	James Blakie,
Thomas Walker,	Charles Brown,
David Harris,	William Swann,
James Soper,	George Kidd,
John Cumming,	Thomas Gall.
William Mower,	

The Jury having been sworn, proceeded to the General Townshend, where the body lay, and having viewed it when placed on the table, the body was opened by a professional gentleman in attendance, who discovered that the ball had entered the left breast through the heart, and the right lobe of the lungs, between the third and fourth ribs on the right side, under the common integuments behind the bone of the right arm, just below the shoulder, where the ball was extracted. The Jury then retired, and the inquisition was proceeded in.

The first witness examined was Thomas Gould. Lives at Lambeth; no business; is on half-pay in the Ordnance department as a conductor of stores; was standing about a yard from the deceased at the moment he was shot, between Cumberland Street, and Old Quebec Street, about half-past twelve o'clock yesterday. At that time there was continual firing below the gate; there were a great number of persons assembled to view the procession of her Majesty's funeral; had seen nothing of the procession previous to its passing the gate; heard a firing in the direction of the gate; it commenced immediately after the hearse passed through it; previous to that there was a party of Life Guards stationed at the gate. There seemed to be a disposition to riot on the part of the people, who flung bricks, which irritated the soldiery. This took place at the same moment that the soldiers were firing;

could not swear which first commenced, or what caused the fray. The soldiers preceded the hearse ; was in Oxford Street at the time when the soldiers came up ; they were firing ; there were 20 or 30 shots fired ; did not reckon them ; was employed carrying away the body of the deceased ; the people continued throwing all the time ; thinks there was half a troop of horse ; could form no judgment of the numbers of people present, they covered a vast space of ground ; saw the deceased at the moment of the firing, he was lying on his back ; this was the first he saw of him ; don't know by whom he was shot ; he and three or four persons took him up and carried him to Mr. Lightfoot's, the surgeon ; his coat was buttoned, and they thought he was in a fit ; on opening his coat perceived that he was wounded in the breast ; he was not quite dead at that time, but he never spoke afterwards.

In reply to questions put by Ald. Waithman :—observed no order given to the people to disperse ; heard no Riot Act read ; was not sure that a Magistrate was present ; there was no throwing from the quarter in which the deceased stood ; thinks it was a promiscuous shot ; the soldiers were eighty yards off ; there was no aim taken ; the soldiers were parading up and down before the firing ; they were using their swords in the usual way, flourishing them to frighten the people ; the firing commenced the moment after the hearse passed ; the stones were thrown from

the opposite side ; none were thrown from where he stood ; the people about him were peaceable ; he stood a little behind the deceased, who was standing in the road. Witness was standing on the foot-path. There was no more than half a dozen men riding up and down before the arrival of the hearse ; cannot say whether it was the men stationed at Cumberland-gate, or the soldiers who accompanied the hearse, that fired ; their uniform was red. The brickbats were thrown before the firing commenced. There might have been soldiers nearer to him than 50 or 80 yards, without his perceiving them.

Mr. W. Titterton, surgeon, of Wilmington-square, Spa-fields, was passing at the time when the deceased was being conveyed to Mr. Light-foot's, and examined him. He was totally insensible, and, after three or four heavy groans, expired. It was a gun-shot wound under the left breast that occasioned his death. The ball had passed through the heart to the right side behind the shoulder. The witness then described, in nearly the same terms, as the former, the situation and firing of the soldiers upon the crowd.

Question by Mr. Sheriff Waithman.—Could a ball, fired a distance of one-hundred yards, have passed through the body in the way you describe ?—Yes.

Mr. J. H. Pope, a surgeon, residing in Somerset-street, Portman-square, deposed, he assisted to open the body of the deceased. The ball had

passed as described by the last witness ; but it had, in his opinion, never been fired from a distance of a hundred yards, or if it had, the charge of powder must have been excessively great.

Some discussion then arose on taking the "opinion" of the witnesses as evidence.

Mr. Sheriff Waithman, who had taken some part in the conversation, addressed the Coroner, and said that it might seem pertinacious of him to take any part in the proceedings ; but as he had a public duty to perform, he attended in his official capacity to assist in the investigation of the death of the unfortunate man ; he was strengthened in this by a notification which he had received, that the brother of the deceased was here, and he requested him (Alderman Waithman) to be his advocate.

Edward Bailey deposed, that he lived at 272, Holborn ; he was in the Park yesterday at the time the Queen's funeral was passing ; he was near Cumberland-gate ; observed some stones thrown at the soldiers in the Park, though he did not see who threw them ; witness was then riding in the Park, but not in the procession ; he rode a-breast with a serjeant in the Guards, when the latter desired two privates who were with him to walk quietly forward ; instead of doing that, the privates rode on violently, and pressed down two of the people ; a cry of "Shame" was then raised, and witness saw some stones thrown ; could not recollect whether the Guards were

dressed in red or blue ; but the impression upon his mind was that they were red ; the men in the crowd were knocked down by the horses ; the serjeant had his sword drawn, and brandished it over his head, pointing to the rest of the troop to follow ; witness then saw the Guards galloping in all directions towards Oxford-street ; witness then endeavoured to get away ; and rode out by the first foot turning into Park-lane ; he saw no one wounded ; at the time the men were knocked down, the troops did not surround the hearse ; the Park railing was not pulled down until afterwards ; at that time witness did not observe much crowd ; he heard some firing, but did not see it ; that was after the soldiers had left the Park ; could not say whether all the soldiers were out of the Park when the firing commenced ; certainly they must have been out almost immediately afterwards ; witness did not see any disposition to riot on the part of the people ; every one seemed to feel it was a funeral, and not a political procession : the officer who desired the soldiers to advance, gave no orders to them to trample upon the people ; the men fell immediately upon the first bound of the horses ; could not tell whether they were much injured ; he saw stones flying in the air as soon as the men were knocked down ; and he supposed that they were thrown in consequence ; witness saw no officer, except the petty-officer already mentioned,

A third medical gentleman, who was in waiting, was here discharged from further attendance, the Coroner observing that no doubt could exist as to the cause of the deceased's death.

John Hatherne deposed, that he resides at No. 11, Crown-street, Soho, and is by trade a basket-maker; he was present yesterday during the procession; he joined it at Kensington, and accompanied it through the Park; before the hearse had passed through Cumberland-gate, nothing occurred to attract witness's attention; witness was before the procession during its progress through the Park, and went through the gate at the same time as the hearse; after the hearse had gone through the gate, he saw some stones thrown in Oxford-street, and he observed one of the Oxford Blues to fall; the bricks were thrown into the middle of the road, in the direction leading to the soldiers; witness then got across the road, and in a few minutes the firing commenced; the firing was in the direction of Tyburn-gate; when witness saw the hearse pass through the gate, it went along the Edgeware-road, and he observed no attempt to turn it another way; before the firing commenced he saw the soldiers brandish their swords; that was after the stones had been thrown; witness saw the deceased lying on the ground, about three or four yards distant from himself. He did not see him fall, nor did he see any soldier near. The deceased appeared as if he was in a fit. Witness felt no

apprehension for his own safety, as he imagined that the soldiers only fired blank cartridges. He assisted to remove deceased to an apothecary's shop. The deceased never spoke afterwards. Witness did not hear the Riot Act read; he did not see the deceased throw any thing before he was shot; the soldiers were about one hundred yards from witness; witness thought that the dragoon whom he had mentioned as having seen fall, fell from accident; he could not say whether he was much hurt; witness saw that there was a stoppage of the hearse, but could not tell how it was occasioned.

Simon Berkely, resides at 188, High Holborn, and is by trade a shoemaker; he left Holborn a quarter past five, and joined the procession at Hammersmith; at Kensington some interruption took place from the road having been blocked up with carts and waggons. The procession halted there about an hour and a half, and then proceeded without interruption to Kensington-gates; witness heard nothing of the Riot Act being read at Kensington; he knew what the Riot Act was; saw no disposition to riot on the part of the people, when they were allowed to proceed. At Kensington-gates there was another stoppage; when the procession had reached Hyde Park corner, it halted for about a quarter of an hour; the road was again blocked up, and the procession was obliged to go through the Park. Witness accompanied it; it went at a trot

a part of the way ; witness got into Park-lane as soon as he could, and reached Oxford-street by that route ; he reached Cumberland-gate before the procession ; when there, he saw a horseman who had got amongst the soldiers, and the soldiers seized his bridle and broke it ; the next thing which he saw was the people opening the gate, and the soldiers brandishing their swords ; he could not say whether they cut any body ; the soldiers turned their horses heads in the direction of Bayswater ; witness then saw brickbats thrown, and immediately afterwards a firing took place ; witness stood within half a yard of the deceased when he fell ; he was standing a yard or two off the pavement, when a shot hit him, and he instantly fell ; he never spoke after ; at that part the crowd was not thick : there was no riot, or any disposition to commit violence ; he thought that the distance between himself and the soldiers, was above 100 yards ; he was sure that at the time when the deceased fell, brickbats were thrown at the soldiers ; witness saw no soldiers near the deceased at the time he fell ; the soldiers were standing still at the time : it was a party of the Life Guards ; he did not hear the Riot Act read, nor did he see any Magistrate ; he had had no conversation with the deceased previous to the fatal accident ; he did not see any one struck by the brickbats. He supposed that the reason why the brickbats were thrown was, the behaviour of the soldiers in cutting the reins

of a gentleman who rode in amongst them. Did not know who the gentleman was: he had followed the procession from Brandénburgh-House. When the procession had passed Hyde-Park in the direction of the City, the hearse was turned into the Park. The gentleman who had rode amongst the soldiers, had done so with an intention of preventing the hearse from passing through the gate. The people cried out 'Shame!' when the soldiers broke the reins of the gentleman's horse. The people were exasperated; the soldiers turned the hearse back; and after that brandished their swords and fired upon the people.

John Duckett deposed, that he resides in Charles-street, Bloomsbury. He joined the funeral procession at Knightsbridge, and accompanied it to Piccadilly. Witness did not observe any person stop the procession, but he saw the hearse turn through the Park, and by that means a great part of the procession in advance was shut out; the procession then passed through the Park at a quick pace; he saw the soldiers in the Park; saw brickbats thrown at the soldiers, which apparently exasperated the soldiers; shortly after he heard a firing, but imagined it was only blank cartridges; witness received a cut on the hat from the sword of an officer, and afterwards was cut on the coat by a private; witness was not far distant from the deceased when he fell; the officer whom witness observed

was a young man, slight in appearance, apparently of the age of 28 years, and he thought that he should know him again; he saw that officer present a pistol in the direction of the deceased; a flash followed, and the man dropped; witness did not hear any other pistol report until a minute afterwards; witness thought at the moment that he knew the officer, and believed him to be a Mr. White, the son of a brewer of Exeter; that gentleman, however, is since dead; the resemblance, however, made witness take more notice of the officer; he had a perfect recollection of his features, and if he saw him again in uniform he believed that he should know him; witness did not consider that there was any danger until he saw the young officer with the pistol in his hand; the deceased was caught as he fell, before he reached the ground; witness was certain that he saw the officer point his pistol in the direction where the deceased fell, that a flash followed, and the deceased fell, and that he heard no pistol report follow until a minute afterwards; the officer then rode round into the Park, and struck his sword several times against the iron palisades; witness, from the place where he stood did not hear the Riot Act read. [Witness here produced his hat, and pointed to the place where it had been cut, as he alleged, by the sword of the officer.] Saw brickbats flying in different directions, but none from the place where the deceased stood; he saw no Civil Magistrate

warning the people of their danger; no, one cautioning the soldiers and endeavouring to restrain them; before the brickbats were thrown the soldiers had their swords drawn, and might be said to be brandishing them; he saw some stones thrown out of Park-lane into the Park before the swords were brandished.

A Juryman here asked: In plain terms, did the affray commence on the part of the military or the populace?

Mr. Waithman objected to the question, as irregular, and it was not pressed.

Witness resumed: The distance from Park-lane, where the stones were thrown, to the part where the procession passed, was great; too great, in his opinion, for a stone to reach.

Mr. Waithman said, that it had happened curiously enough that he had been in his carriage the whole of the time at the place of which the witness was now speaking, and certainly the distance was too great for stones to reach.

Witness: Some of the stones passed over the soldiers.

Coroner: Then certainly the distance was not too great for a stone to reach.

Mr. Waithman explained, that in consequence of the inequality of Park-lane, the stones might pass over the soldiers at one part of the Park and not reach them in another.

As the evidence was reading over to the witness, Mr. Sheriff Waithman observed, that it was

not precisely what had been given. The witness then repeated that he saw the young officer turn round and point his pistol towards the place where the deceased stood. He saw the pistol flash and the man fall immediately after, but he did not hear the report for some seconds. When his hat was cut he gave no provocation, nor did any one near him; he stood on the railings near the wall by Tyburn-gate.

The Coroner said, in allusion to the errors in the deposition, that while gentlemen continued to put so many questions, it would be impossible for the clerk to take them down.

Francis M'Gowran.—Lives in Great Russell-street, Covent-garden, and is a cheesemonger; he met the procession in Piccadilly, near the Hyde-Park gate; then it proceeded through Hyde-Park; he accompanied it along the Park until it came out at Cumberland-gate; the soldiers then formed a line from the gate across to Cumberland-street, then the hearse came through the gate; before the hearse was out the soldiers joined their companions who were nearer Tyburn-gate; then the populace caught hold of the front horses of the hearse, and were drawing them towards Holborn way. The soldiers then rushed back again and were cutting at the people. He saw no man wounded; one he saw knocked down, he believes, by one of the soldiers' horses. During all that time the populace were quiet. He understood the gates were shut and the soldiers were

cutting at them; they were rather cutting at those who shut them; they were shut by the populace. After the hearse went, the soldiers were hooted very considerably; about that time also some stones were thrown by the people at the soldiers. The soldiers then formed in a body near Tyburn-turnpike, and fired. In five minutes after I saw a person wounded; but many shots were fired before I saw the person, during that period, and stones were thrown. The person whom I saw wounded was near the end of Cumberland-street, in Oxford-street. There was a soldier firing, and I was getting out of his way. The soldier was going to join the rest, but he turned his hand backwards and fired. The person who fired I believe to be an officer. I went up to the man who had fallen, and assisted in carrying him. We took him to the doctor's shop, where he breathed four times, and not again. I then left the doctor's shop and went home.

By Mr. Sheriff Waithman.—I did not hear the Riot Act read, nor any admonition from the Magistrates; I saw nothing thrown from the side where that man was—all was quiet there; saw the swords brandished before the stones were thrown; I am quite sure of it; the officer appeared to be a young man, about twenty years of age; I think I should know him again if he were in the same dress; when he fired he had his head one way and his hand the other; saw the man fall, and, hearing no other shot, believed the

one fired by the officer to have killed him ; there was no other pistol fired at that time, as far as I heard.

By a Juryman—There might be about 200 Life Guards there ; the people were cheering the Blues.

By Sheriff Waithman—I saw the soldiers drive their horses against the people, who were much irritated, and cried Shame, and yelled at them. I saw no other person wounded ; the man who was knocked down was so treated offensively. There was a contention about the hearse going down Oxford-street, and then it was the man was knocked down. The swords were brandished before any stones were thrown. The soldiers kept cutting at the people.

Bartholemew Croney : I live at No. 30, Bainbridge-street, St. Giles's ; I am a tailor by trade ; I am at work on double wages, and have been brought up here, losing my time, and I don't know by whom. I was at the procession yesterday ; I joined it up at Kensington, where the blockading was, near the church. Some people would have the corpse go into the City, and others would not. Then I parted from them, and came to Mr. Maxwell's, at Knightsbridge, where I had a pint of beer, and met the corpse again ; I accompanied the hearse to Hyde-Park corner ; Sir Robert Baker was going along the road—as I would call it, Piccadilly—and an officer came galloping very fast after him : this officer said

he'd take it on himself ; it was a good way down Piccadilly. The hearse before this was turned into the Park ; Sir Robert Baker, or rather the mob, wanted the hearse to go straight a-head down Piccadilly ; the officer then stopped them, and called an orderly man, to whom he whispered something, and then he saw the hearse turn into the Park ; I went myself into the Park, and on coming to the gateway near Oxford-street these here Piccadilly butchers were across the road ; I call them nothing else, or if you wish—the Horse-Guards ; the mob hissed at them twice, on which an officer was good enough to take a pistol out and let fly ; this was after the hissing ; and a man wearing a blue coat and corduroy breeches was the man who was shot ; truly then, when the mob found the pistol fired, they lunched the stones ; I have not seen the man since ; the officer was a thin man with a Waterloo medal ; the shot he fired killed the man, I'll swear to it ; I cannot tell the age of the officer ; I cannot tell even my own age ; I believe I would know the gentleman, and if the whole troop were called up, I think I'd know him ; I could put my hand on him, though he wore a Waterloo medal ; I could do the same as to the man who spoke to Sir Robert Baker ; I glory in that woman who is gone, God be good to her ; I saw no stones thrown until the shot was fired, and then the people cried out Shame.

By a Juryman—The shot was fired at the cor-

ner of Park-lane; the officer was towards Tyburn-gate, and let fly the pistol straight before him; the people were all hissing, but nothing more; at the moment the shot was fired the man fell; heard the Riot Act read at Kensington, but does not know who read it; I saw Sir Robert Baker in Piccadilly and Tottenham-court road, but not in Oxford-street; the man who read, merely read to "Keep the peace!" that is all he heard, and he never heard the Riot Act read before; that's all he knew about it; it might have occupied five minutes reading.

William Thomson: I am an upholsterer, residing at James-street, Kensington; I joined the procession from Hammersmith, and it proceeded towards Piccadilly; I came to the corner of Park-lane, where I saw a pistol fired, and a man fall; presently after, other shots were fired; I rather think the corpse passed the gate before that time; a man in officer's uniform fired the first pistol that I heard. After the first pistol was fired, many stones were thrown; but none before that I know of. I saw some boys throw some stones in Park-lane, near Grosvenor-gate; the same boy had thrown a stone before at a gentleman who was riding close to him. A great confusion prevailed after the firing of the pistol. Stones were thrown, and a discharge from the soldiery took place nearly at the same time; but I cannot say which was first. I did not go near the man who was killed; but I saw him fall.

He staggered some yards before he fell. I then made towards Quebec-street as fast as I could, fearful of a shot being after me. The man who was killed might be thirty yards from the officer who fired; the man fell before any other pistol went off. I think I should know him, because he made himself very active at Kensington: he stoops very much, he is tall and slender, and perhaps sixteen years of age. The officer was nearer Park-lane than his men; when he fired, the horse's head faced Oxford-street, and he fired to his left hand. I cannot be quite certain upon this, but I think it is so; the horse was not moving when he fired; apparently he took an aim; I saw the flash, and the man instantly fell; I did not notice the man before, but I saw no stones from the place where the man stood; from the state of my confusion I can say nothing as to the position of the man; the officer fired by the side of his horse's head; I cannot positively say that I saw the horse's head at all, or that I heard the Riot Act read; I believe Sir Robert Baker read some paper, but I did not know what it was; the first discord I saw was when the Guards came up to Kensington and brandished their swords; then I saw a stone thrown, but not till then; the soldiers struck several of the people; but I saw nobody actually cut; it might have occurred and I not know it; I don't know whether the person who read the paper was or was not Sir Robert Baker; he was pointed out to me as such.

It being now half-past ten o'clock several of the Jurors wished an adjournment to take place, which, after some desultory conversation, was agreed to.

Friday at two o'clock was then fixed on for the next meeting.

The inquest was resumed on Friday. The witnesses examined were eight in number, viz. Samuel Green, of Vineyard-walk, Clerkenwell; Mr. John Cooke, of Francis-street, Tottenham-court-road; William Spratt, of 29, Little Russell-street, Bloomsbury; William Alexander, of Tower-street, Soho; William Cleaver, of Church-street, Chelsea; George Rogers, of Mornington-place, Hampstead-road; Elizabeth Parker, of Stingo-lane, Marylebone; Henry Montague, of 46, Upper Bedford-place, Russell-square; Joseph Ridout of 3, Little Surrey-street, Blackfriars-road. The evidence did not conflict materially with that of the first day, and stated generally that though there was much tumult, and the military were obstructed in their duty, yet that the firing on their part preceded, so far as these witnesses observed, the actual assault with bricks and missiles, by the populace. William Cleaver said to the officer supposed to have fired at the deceased, "You are a pretty fellow to shoot a man, are you not?" He replied, "I wish you were shot too!" Witness then said, "I shall know your face again, it is so ugly." At the time of the firing, stones were flying in all directions.

Several witnesses declared that they could identify the young officer who fired and killed Honey. Mr. John Cooke said that he remonstrated with an officer, who was much agitated, and who replied, "I cannot help it now. What am I to do?" Mr. Waithman said he heard the people say, "This is the officer who shot the man," and he nodded, as if convinced he had done it. Elizabeth Parker said the deceased had put his umbrella between his legs, was clapping his hands, and crying "the City! the City!" when he was shot. Mr. Hanson, a solicitor, attended on the part of Colonel Cavendish, and questioned the witnesses. He said, that when the evidence was gone through, he should produce testimony which, he thought, would satisfy the Jury that no further proceeding would be necessary.

Mr. Waithman replied, that there was no presumption in the case, as many of the witnesses had sworn that they could identify the officer if they saw him in uniform.

The Foreman of the Jury then moved a Resolution—"That the Jurymen sitting on Inquisition into the cause of the death of Richard Honey, respectfully request Mr. Stirling, their Coroner, to make application to the proper Authorities, in order that the troop of Life Guards, or such part of them as attended the funeral of the late Queen, should be drawn up in the same uniforms, and on the same horses which they used on the 14th of August, that the several witnesses might have

an opportunity of identifying the person who shot the deceased."

The Resolution was agreed to, and the Coroner adjourned the sitting at half-past ten till two on Monday afternoon.

INQUEST ON THE BODY OF GEORGE FRANCIS.

On Friday an Inquest was held on view of the body of George Francis, carpenter, of 7, Kingsgate-street, Holborn, who died of the wound he received from a pistol ball, fired by one of the Life Guards, near Cumberland-gate. The Inquest was held at the Triumphant Chariot public house, the deceased having died in St. George's Hospital, whither he had been carried. A clerk of Mr. Harmer attended on the part of the friends of the deceased; and Mr. Hanson attended for the Colonel of the Life Guards. There were eight witnesses examined—namely, James Burton, of 6, Lisson-place, Marylebone; James Pilkington, of May's-buildings, Manchester-square; Mr. Daniel French, of 11, Fisher-street, Red-lion-square; Mr. Benjamin Walker, house-surgeon, and the Rev. Mr. Morgan Hughes, Chaplain to St. George's Hospital; Mary Francis, wife to the deceased; Samuel Hill, of James-street, Manchester-square; W. Binnington, of Queen-street, Ratcliffe.

Of these witnesses, James Burton deposed that the deceased was shot by an officer. Mr. Daniel

French said, that there was no tumult after the first pistol was fired, yet the firing continued. He saw no resistance on the part of the people. The Rev. Mr. Hughes said, that when the deceased was dying, he said he bore no malice to any one, as he considered the person who fired was only doing his duty. His wife heard the conversation. Mary Francis being called, denied that her husband had said any thing about the soldiers doing their duty. The Chaplain had suggested it to him, but he had made no answer. William Binnington said, that an attempt having been made to turn the horses heads, the firing followed. He saw a woman aim a blow at a soldier, but it fell on his horse. The deceased gave no offence to the soldiers. Several soldiers, when they heard the firing, sheathed their swords, and discharged their pistols. The stones came thick after the firing.—At ten o'clock the inquest was adjourned till three on Monday following.

INQUEST ON RICHARD HONEY RESUMED.

3d Day, Monday, Aug. 20.—Between two and three the Coroner arrived. Mr. Waithman and the Jury were in attendance. As soon as the Jury were called over, the Coroner (Mr. Stirling) said,—

“ Gentlemen of the Jury, I have to acquaint you, that in compliance with your requisition of Friday last, to have the troop of Life Guards, or

such part of them as attended the funeral of Her Majesty, drawn up in the same accoutrements and on the same horses which they used on that occasion, I made application to Mr. Hobhouse, the Secretary, in the absence of Lord Sidmouth, and in reply have received the letter which I shall now read."

Here the Coroner read the letter, which was in substance as follows :—

" Sir—Having submitted your letter, in which is conveyed the request of the Jury sitting to ascertain the cause of the death of Richard Honey, to have the troop of Life Guards which attended at the funeral of her late Majesty drawn up in the same accoutrements, and with the same horses which they used on that occasion; for the inspection of the witnesses produced on the trial, to my Lord Bathurst, acting in the absence of Lord Sidmouth, I have to acquaint you, by order of his Lordship, that the regiment will be drawn up at the barracks in Hyde Park, at half-past eleven o'clock to-morrow (Tuesday,) in the same accoutrements and on the same horses which they used on the day of Her Majesty's funeral, when any witness producing a ticket from you will be admitted to examine the troop in the presence of two magistrates who will attend for that purpose.

(Signed)

" H. HOBHOUSE."

The Jury expressed their satisfaction at this polite answer to their request. Some of them

suggested that the Jury should be present at the examination.

The Coroner did not see any necessity for their attendance as they could not identify any of the men. A Juror suggested that the Foreman, at least, should be present. The Foreman said he should not like to go alone. The Coroner again repeated, that he did not think the attendance of the Jury necessary. Another Juror urged that the presence of the Jury would give confidence to the witnesses, whom they would protect. The Foreman thought they ought to attend. The eyes of the whole nation were upon them, and they should not slobber over their duty.

Another Juror asked, was it the practice at the Old Bailey? He was answered, that at the Old Bailey the Jury were necessarily present when the witnesses identified the prisoner.

Mr. Alderman Waithman now interfered. He gave it as his opinion, that the Jury ought to see every thing which was connected with the investigation of the case upon which they were to give their verdict. The identification of any person as the one who shot the deceased would become a part of the evidence; and he conceived that the Jury should be present at it.

Another conversation among the Jury followed this, but the question now was not so much whether or not they should be present, as how they should go—whether as matter of right, or as a favour on the part of Government.

The question was then put, For asking permission for the Jury's attendance, seven ; against it, eight. The original motion was of course carried. The Foreman then requested that the Coroner would have the goodness to attend them, to which the Coroner agreed. A Juror next suggested that some cards should be issued for admission of witnesses, which the Coroner could sign. Another Juror thought that all those witnesses who were to attend the Inquisition should first be examined by the Jury.

Mr. Waithman thought it would be better that a list of the witnesses should be given. He had a list of not less than one-hundred witnesses ; but it was his intention only to call such as thought they could identify the man. His principal object was to occupy as little of the time of the Coroner and the Jury as possible. The task that he had undertaken was to him an unpleasant and rather an invidious one. He saw that the relative of the deceased had no friends ; no person to examine witnesses, or to act for him in any way ; and he had consented to take that duty on himself at the poor man's request. He could assure the Jury that he did this without any thing like party motives. His only object was to come at the truth. He begged also to add, that the brother, however much he might be affected at the loss of his relative, had no vindictive feelings on this occasion. He would now state, that it was his intention to examine only five, six, or perhaps

eight witnesses more, and to confine them solely to what happened at Cumberland-gate; but if it was the wish of the Jury to go further back (to ascertain what happened at Hammersmith and Kensington,) he would hand them in a larger list of the witnesses, and they might do with them what they pleased.

It was now suggested by Mr. Hanson, that such witnesses as thought they could speak to the identity of the man who shot the deceased should be called in, in order to declare that before the Jury, and to get a ticket of admission from the Coroner. This being done,

The examination of witnesses commenced.—Mr. William Deloraine Jones of Richmond-buildings, Soho-square, stated that he was of Oxford College, but had not taken any degree: he was on a visit in London, and witnessed the affair at Cumberland gate. Thinks he should know the officer who fired. Saw Sir Robert Baker in Oxford-street; he made motions with his hands, as if to dissuade the people from any act of insubordination; he seemed very much concerned. I saw him as the procession came along, endeavouring by the same means to prevent tumult. He spoke repeatedly to the gentlemen of the Committee, and I heard him beg of one of them to use his influence for the purpose of preserving order. Soon after the firing, a communication took place with Sir Robert, and the Guards moved away. The officer is a young man, I should think 22 or 23.

Aungier Peacock Cropley, of No. 3, Fountain-place, Minories, carpenter; carried a banner in the procession, and was struck down by a soldier near Cumberland-gate. He was taken to the hospital, from whence he was removed by his friends. He is no relation to Cropley the pugilist.

Mr. Waithman here observed, that supposing the witness to be a boxer, that was no reason why he should have his brains knocked out. Mr. Hanson asked the question, because the witness talked of thrashing the soldier who struck him.

Mr. William Greig, of 32, City-road, upholsterer and cabinet-maker, one of the Committee who attended the procession on horseback, deposed to the following conversation, which he had with Sir Robert Baker at Kensington:— I said to Sir Robert Baker, “ The minds of the people are extremely irritated, and I fear, that if you insist on not going through the City, lives will be lost.” He said, “ I think so.” That was his answer; and “ I have made up my mind that we will go through the City.” I said, “ Which route will you have the people to take?” “ The most usual way,” he replied. “ Which is the best? St. James’s-street and Pall-mall,” he said, I think; “ but if you have any influence, pray exert it to prevent any confusion opposite Carlton-house.” I replied, “ If I possessed any, I certainly would.” He observed, “ Yes, I am sure you would; every

respectable man would, who wishes to see order." Thinking it to be important to communicate, I said, "Sir Robert Baker, am I authorized to inform Mr. Sheriff Waithman, Lord Hood, and the rest of the gentlemen, that you have determined the body shall go through the City?" He replied, "Yes, you may." And I rode on to make Mr. Sheriff Waithman and the others acquainted accordingly. I should also state, I particularly added "the people,"—"may I make Lord Hood and the people acquainted that you have determined," &c. I rode through Hyde-Park turnpike-gate, Piccadilly, and announced this intelligence as I went along. We proceeded along Piccadilly to nearly opposite Park-lane; and, after waiting ten or fifteen minutes, some one announced that the hearse had gone through the Park. I rode back again, and ascertained that the fact was so; and immediately went to Sir Robert Baker, who was in conversation with an officer of the Guards—the commanding officer, as I understood. I said—"Sir Robert Baker, knowing you to be the chief magistrate, I took your word that the procession should go through the City. You authorized me to proclaim it; and you have now been persuaded to break your word. On your own head be the consequences; I dread the result." He made no reply; and after waiting for a few minutes the people began to reproach me. I must also say that Sir Robert Baker on that day acted towards me in a most

gentlemanly manner. He behaved himself like a man of feeling, and, I may say, like an Englishman."

Josiah Deane, of 2, Hill's place, Tottenham-court-road, woollen and linen-draper, was next examined. During this witness's examination, the following communication was received from Mr. Hobhouse :—

"Sir,—I have received your letter, intimating that the Jury intend to appear at the Knights-bridge barracks to-morrow, as matter of right, and not of favour. I have laid the same before Lord Bathurst, by whom I am directed to acquaint you, that, as a Jury have no such right, no order will be made on the subject. I have further to inform you, that, as it would be found inconvenient to assemble the regiment at half-past eleven o'clock, they will be mustered at two o'clock p. m. to-morrow."

The reading of this letter excited considerable discussion. Many of the Jury appeared to consider the exclusion from the barracks as an obstruction to the course of justice. The Coroner, to satisfy the minds of the Jury, wrote a letter, in reply to Mr. Hobhouse's, in which the intention of the Jury to attend next day at the barracks was thus announced :—

"Sir,—I beg to acquaint you that I have received your last letter, which I have laid before the Jury; and they desire me to say, that they did not intend to communicate to the Secretary

of State any resolution of claiming as matter of right, or accepting as a matter of favour, the attending to see the soldiers paraded to-morrow for the inspection of the witnesses; but that, without at all bringing in question the matter of right, it was their intention to attend in their capacity as Jurors; that the communication made by the Coroner was unknown to the Jury, and that they will attend in their capacity as Jurors to-morrow at the hour appointed."

The examination of Mr. Deane was then concluded, and was followed by that of Brook Page, of 9, Warwick-street, Golden-square, furniture polisher, and of William Bennington, mariner, of 10, Queen-street, Ratcliffe.

The Jury adjourned at four in the afternoon.

4th Day, Tuesday, Aug. 21.—The Jury met at the White Horse Inn, at Knightsbridge, at one o'clock. It was the intention of the Jury to have proceeded from this place, accompanied by the Coroner, to the barracks, there to be present at the inspection of the troops by the witnesses. At one o'clock several of the Jury had arrived, and very soon after that hour the whole of them were assembled. It was, however, within a few minutes of two before the Coroner made his appearance. The Jury, afraid of being delayed beyond the hour appointed for the inspection of the troops, had, before the Coroner's arrival, agreed to ad-

jour from the White Horse to the Rose and Crown, and a notice to that effect was posted up outside the door of the former place. Before the Jury acted upon this determination the Coroner arrived, and, preceded by him, the Jury went towards the barracks. We should here observe, that some time before this, the gates of the barrack-yard were closed, and, as we understood, preparations had commenced within for drawing up the troop. Several of the witnesses were already in attendance, and waited opposite the gates with their tickets of admission. Mr. Alderman Waithman, Sir Richard Phillips, and some other gentlemen, who had been present at the Inquest every day, were also in attendance; but it was not, we understood, the intention of any of them to seek for admission within the barrack-yard. At two o'clock the Jury, preceded by the Foreman and their Coroner, went on to the gates. On knocking for admission one of the gates was opened, and some few words passed with the soldier by whom it was guarded. What those words were, we were not near enough to hear, but immediately after the door was closed, and the Coroner and Jury proceeded to a small door leading to the barrack-yard. There the Coroner having knocked, the door was opened by a dragoon, who demanded his business. The Coroner told him, that the Jury which had sat to ascertain the cause of the death of Richard Honey were in attendance, and requested to be admitted

to see the inspection of the troop by the witnesses, and desired him to take a message to this effect to his commanding officer. The dragoon shut the door, and after a short pause it was again opened, when an officer made his appearance a little way within the gate. Addressing himself first to the soldier near him, he said, "The Coroner must wait a little;" but perceiving the Coroner standing in the door-way, he observed, very politely, "You must wait for a short time, Sir." The door was again closed, and in a few moments was re-opened. The sentinel again presented himself, and asked the Coroner whether he had a ticket of admission. The Coroner replied, "Why I gave the tickets." Upon this the door was again closed, and in the interim some of the Jury suggested that they should get tickets. Some tickets were given to them, which, on again demanding admission, they presented. The Coroner then entered, and was followed by several of the Jury. Some, on being admitted, presented their cards; others had none to present. The officer who stood inside, seeing several of the Jury coming in at the same time, said to the sentinel, "None must be admitted who have not tickets, and then must come in one by one." Those gentlemen of the Jury who stood in front, some with and some without tickets, were here rather rudely pushed back by several dragoons; but not appearing to retreat as quickly as was expected, an officer said in a harsh and menacing

tone, "Soldiers, do your duty." This order was no sooner given, than such of the Jury as still continued in front, were most rudely repelled by the soldiers, one of whom struck a Juror a violent blow on the face with his fist, with such force as would have knocked him down if he had not been held up by those behind. Some of the Jury had by this time got in, but three or four who stood in the door-way were forcibly driven back, and the door shut in their faces. After a few moments, it was again opened, and the other Jurors who had got tickets were admitted. Those who had not were excluded. The violence thus offered to the persons of the Jurymen, was observed by some of the crowd of about twenty-five or thirty persons who were outside, and who expressed their disapprobation by some hisses and cries of "Shame!" The Jury and the Coroner remained in the barrack-yard for a short time, but were not admitted to see any of the witnesses or the troop, except those who were stationed inside the door.

The Jurors admitted were asked for tickets, and it was stated to them that none would be received but such as were signed with the names of the bearers. This, we understood, was complied with by the Coroner signing the tickets with the names of those present; but even this was not held sufficient, and they were told that none but witnesses could be admitted. The Jury were then told that they must withdraw, or that

they would be put out by force. The Jury at length came out evidently indignant at the treatment they had received. They soon after assembled at the Rose and Crown Inn ; but the room there not affording sufficient accommodation, they adjourned to the Old King's Head.

Some angry discussion now followed. The Foreman of the Jury and several of the Jurymen conceived that they were trifled with. The witnesses Deane, M'Gowran, and Samuel Green, complained that notwithstanding their tickets from the Coroner, they were not admitted into the barracks, and the refusal was accompanied by insult.

Mr. Sheriff Waithman: I requested tickets for fourteen or fifteen individuals, prior to their being sworn ; and as it was stated at the time that they would be admitted, I hold the refusal to be a gross violation of justice, and of the solemn engagement entered into by the Secretary of State, or, at least, by Mr. Hobhouse, as well as an insult to the Jury, and to every person concerned. In this country, if a demand were made for a whole regiment to be drawn up, in the face of the world, in order that all persons might assemble, to identify an evil doer, it has been constantly complied with. I have seen this done myself. I have seen a whole regiment drawn out to identify a man who stole a piece of dowlas, "of filthy dowlas." But in this case, a man is killed, and the Secretary of State tells you, you shall have

an inspection, with a limitation, that is, the witnesses are to be shut in, and you are to be shut out. We are next told, that the Magistrates cannot guess to what extent the inspection might be carried. Why, is there no confidence to be put in a Jury? and if not in a Jury, is no confidence to be put in a Coroner? Is it to be supposed that he would forget his oath, and abuse his office, by admitting persons in an indefinite manner? Such conduct is not to be endured; and it is for the Jury to consider how far they can vindicate their own honour and character in the face of the country.

After some farther conversation, it was agreed that the Coroner and the Foreman of the Jury should go over to the barracks.

After a lapse of about ten minutes they returned, and the Jury having again resumed their seats,

The Coroner said—"Gentlemen, I have been over to the barracks, and have to inform you, that the regiment will be drawn out very soon, and as many witnesses as you shall have sworn will be admitted within an hour; which time, I think, will be enough for getting ready those witnesses whom it may be proper to send over."

The Foreman: Gentlemen, as you did me the honour of sending me to accompany the Coroner, I feel it my duty to inform you of what took place as far as I am concerned. When we went to the gate the Coroner knocked, and told the

soldier who attended, to say that the Coroner and the Foreman of the Jury waited for admission. The soldier took the message, and very soon after Colonel Cavendish, I think it was, came down, and said that the Coroner only could be admitted. The Coroner did go in, and I followed to the foot of some steps. The Coroner went up, but I was not permitted to follow. I asked, was I to wait there for his return, and I was told to wait, which I did till he came back. I only mention this, gentlemen, that you may know what was done as far as your Foreman was concerned.

It was here announced that the witnesses who had tickets, and who had been admitted into the barracks, were detained, and would be so, till it was communicated from the Coroner that there were no more witnesses to be examined. This excited considerable indignation. One of the witnesses who had returned from the barracks, stated, that they were treated in the most insulting manner, and that they were all confined in a sort of room under the building. This gave rise to considerable warmth of expression between Mr. Alderman Waithman, the Coroner, and some of the Jury, who said they had been most shamefully insulted.

Alderman Waithman: All this may be very pretty; but still I say the Jury are trifled with. They have been summoned here for two o'clock, and now it is five, and notwithstanding that seve-

ral witnesses have come a great way, at considerable inconvenience, in order to be examined, still the troops are not yet drawn out of the stables. The witnesses who have been sent over are, as you have been told, subjected to an examination by a board of officers, and to be inspected by the Bow-street police. I say this is a farce; and I might add something worse: the witnesses are in confinement. No one can imagine that the ends of justice are sought by such means; on the contrary, it is done by some persons on the other side, to answer their purposes.

The Foreman.—We saw some of the witnesses opposite, who seemed to be much alarmed at their being detained there so long, and they said it must be the fault of the Jury. I assured them the fault was not ours, but that of the red-coats, and that we did what we could not to have them detained.

The witnesses were then examined who had seen the soldiers. One of them, a Mr. Jones, was so much frightened by the long confinement he had undergone in the barracks, that he could not give his evidence for a short time. He deposed that he was desired by the magistrates and the commanding officer to walk along the ranks. There were four troops. On going up the first rank, he thought he knew one of the officers as the gentleman whom he saw on the 14th inst. but was not convinced that he was the same. He wished to view this person again, and requested the

commanding officer to permit him, but he refused, alleging that his orders were imperative to allow but one inspection of the troops. The Magistrates protested against this, and the witness examined the officer again; but he could not swear to him. Several others then stated that they thought they had recognised the man, but could not swear positively to him.

William Alexander, a lad, deposed that he had recognised the young officer who had shot the man.—Josiah Dean said, the soldiers were so muffled up in their long cloaks that he could not distinguish an officer from a private soldier.

William Spratt said, he saw the officer who shot the man in the morning at the barracks, and stated the circumstance to several who were near him, but he could not identify him when in line, because there was not sufficient light.

After the examination of the witnesses, it was agreed to, that the Adjutant, Mr. T. Emans, should be summoned, and desired to bring the muster and orderly book of the 14th and 21st instant. Another resolution was also agreed to, that Mr. Birnie and Mr. Stafford do also attend. The Inquest adjourned at ten o'clock to two o'clock on Wednesday, to the New Inn, Edge-ware-road. It was nearly seven o'clock before the examination of the soldiers by the witnesses was concluded.

5th Day, Wednesday, Aug. 22.—The Jury assembled at two o'clock this day.

Mr. Emans, Adjutant and Lieutenant of the First Life Guards, was sworn, and deposed as follows:—I was on duty yesterday at the barracks, and saw every one of the witnesses inspect the troops; I walked with each witness to notice what they had to say when they stopped; the Magistrates attended them all the time. I saw them stop occasionally and look at the officers; there were more officers present than I have mentioned as having been employed on the 14th, for the whole regiment was ordered out; every officer's name was taken down who was pointed out; Mr. Birnie was the person who took the names down; I believe that some of the officers who were pointed out yesterday were among those whose names I have given in to the Jury as having been on duty; I cannot state the names; they are in the possession of the commanding officer; the witnesses did not all fix upon one man, nor near; the witnesses were dismissed one by one after inspecting the troops; I say upon my oath that there was not one officer removed; not a man shifted his position; there were five captains present, fifteen subalterns, besides quarter-masters, and two-hundred and sixty-seven men mounted. All were there but those who were so dreadfully mauled and pelted with brick-bats. One man had his leg broke, and another was struck in the face so severely, that it was only

yesterday the doctor could pronounce that he was not in danger of a lock-jaw. The statements in the public prints, of the ill-treatment of witnesses, were totally without foundation. They were treated in the most civil manner, and directed by the Magistrates as to the best mode of examining the troops. There were five men absent in the hospital in consequence of wounds received. There were thirty-seven men wounded altogether and seven horses; the wounds were from blows with brick-bats or stones. Every man was mounted in the same manner yesterday as on the 14th; there were twelve men clogged yesterday in each troop, but I cannot say whether there was the same number clogged on the 14th. I asked witnesses after the inspection if they were satisfied, and they said they were: some of them went away and said they would not wait for the Jury or any body. I did not observe any one laugh when the witnesses were inspecting.

Richard Birnie, Esq. examined.—He knew nothing of the death of the unfortunate man of his own knowledge. He attended yesterday at the horse-barracks, by order of the Secretary of State, to see that the witnesses, who had tickets from Mr. Stirling and Mr. Biggs, had free access to examine the officers and soldiers. There was some delay in parading the men, in consequence of no answer being received from you, Mr. Stirling, to a note from the Secretary of State's office, suggesting whether it would not be better

to defer the inspection till all the witnesses had been examined. The delay did not arise out of any disrespect to the Coroner or Jury. The witnesses were all admitted, and put into one room; I did not see the place; one of them, whose name I think was Jones, complained the room was inconvenient, and I went and got the riding-school for them, and they had a passage—a shady place, to walk about in, where I walked myself. Whenever the witnesses intended to identify any person they stopped, and the commanding officer directed the adjutant to take down the name of the person identified, which he did, at least I suppose so, for he wrote always. I generally walked before the witnesses to give them countenance. I shall be ready at any moment if you want me without the formality of a summons. I have already stated that I heard the name of Lieutenant Gore mentioned, but it was not in an official way, and, as I never saw the gentleman, I cannot state it in the way of evidence.

The examination of witnesses for the defence was resumed. There were only two, namely, Mr. Cole Humbert, who lives at the Hyde-Park hotel, and is a military surveyor and draughtsman on half-pay, and Marcus Calder, porter at the same hotel. Both of these witnesses saw the affray at Cumberland-gate from the windows of the hotel, and they swore that stones were thrown at the military ten minutes before they fired; and so far from aiming at particular individuals, the

soldiers fired above the heads of the dense crowds that obstructed, insulted, and assaulted them. Had they not done so, the loss of lives would have been incalculable. They saw a man with colours knocked down, but he got up immediately, and waved the colours to and fro.

It was now proposed to call Mr. Stafford, head clerk at Bow-street, in order to ascertain the persons who had been pointed out by the witnesses at the Barrack-parade ; but Mr. Stafford having gone out, the Jury adjourned, at ten at night, till Friday.

ADJOURNED INQUEST ON GEORGE FRANCIS.

2d Day, Tuesday, Aug. 21. The adjourned Inquest at the Goat, in Arabella-row, Pimlico, on the body of G. Francis, was on Monday resumed, before Mr. Higgs, the Coroner, exactly at three o'clock.

C. Boyd was the first witness sworn. He resides at No. 6, Shalton-court, Covent-Garden, and is a bootmaker. He was on the Park rail-
ing when the hearse passed through Cumberland Gate, so that he saw the whole matter. The Guards rushed upon the people, though he thought there must have been room for the procession to have passed. The hearse made a momentary halt ; but he saw no confusion among the people until they were galloped upon by the

soldiers with their drawn swords. The soldiers cleared the streets from where he stood in all directions. The soldiers brandished their swords, in order to keep the mob off; but he did not see any of them attempt to cut down the people at that time. Yet afterwards they cut at all who were through the railing; but he believed it was to intimidate them. He knew no one hurt; but they actually cut at them. One of them made a cut at witness, but he avoided it by stooping his head, and it cut the tip of the hat of a young man near. He saw no stones thrown at that time nor before that time. He soon after heard some shot fired near Cumberland Gate. He did not imagine they had fired ball, and got from behind the wall to see what was doing, and he saw the deceased coming from the side of Tyburn turnpike on the footway. He was running, but finding that he could not pass the Guards, he was endeavouring to regain his former position, when a shot took him and he fell. Witness in vain attempted to get hold of him through the railings, but could not support him. Witness thought the soldier was a young man about 22 or 23. He thought then he should be able to know the man who shot the deceased; but he did not know that he should now. He turned round on his saddle and fired. He then retreated behind the Park wall. The person that fired was ruddy-faced, and shorter than the Life Guards generally are. He saw his pistol fired, and at that instant the

man fell. After that he saw another soldier fire three different shots, directed rather low, at the place to which witness had retreated, but he lowered his head to avoid them. For a minute or two no person came to assist the deceased; he wished to go over the rail, and lift him up. Cries of "Shame, shame!" and stones were thrown about three minutes after the deceased fell. There were also general cries of "Murder!"

The Coroner directed him to attend to-morrow, at the barracks, and try to identify the man, but he seemed very unwilling to attend; and was informed by the Jury there was no danger. He said he had no fear of the Guards, but did not think he should know the soldier again. The soldiers, he added, seemed to act without command from their officers; but he did not know an officer from a private.

J. Hawkesworth was the next witness called. He lives at No. 1, Woburn-place, Russell-square, and is servant to Mr. Burnham, who lives there. A soldier, with a mark of dirt, or a wound on the left cheek (which it was he could not say) snapped a pistol at witness, but it missed fire. The soldier took a perfect aim at witness, about twelve yards from him. He could not swear to him; he was standing perfectly quiet, with his umbrella down in his hand. No stones had been thrown at the soldiers; and the only provocation they had received was the cry of "Shame, shame!" and of "Murder!" which was after the

man was wounded. He saw no magistrate near, nor did he hear the Riot Act read. Witness made his escape, being afraid of his life.

Cross examined—He saw no stones thrown at Grosvenor-gate or at Cumberland-gate.

In answer to a Juryman, he said, he could not identify the man who snapped the pistol at him.

Mr. Harmer here suggested that the witnesses were engaged at the other Inquest, and therefore it would be better to adjourn, until they had an opportunity of seeing the soldiers to-morrow. The Inquest was then adjourned, at six o'clock, till Wednesday, at three.

3d Day, Wednesday, Aug. 22.—The names of the Jury were called over shortly after three o'clock. Mr. Little was excused from attending, in consequence of indisposition.

William Spratt, who had been examined on Monday last, was re-examined. I attended at the barracks in Hyde-park yesterday. I was not permitted to see the regiment until it was quite dark. I was there between eleven and twelve o'clock. I remained in a kind of kitchen all the time; and saw the officer who shot Honey pass the window three times. I was not permitted to go out. It was near five before any of the witnesses began to examine the soldiers. I saw the soldiers about seven, but could not recognize the person who shot Honey. The examination was not conducted in a fair way at all. The

Coroner and Magistrates, and Adjutant, were all bustling about me, and consequently I was in the kitchen, and saw the officer outside the window ; I told him it was he who shot Honey. He said nothing, but darted from me into the stable. I saw the officer shoot Honey, but I did not see Francis shot. When the soldiers were drawn up, there was another officer very like him within eight or ten men of him ; and I could not tell which was he. They had little mustachios, whether false or real I could not tell ; they appeared to be of a night's growth : one of them was certainly painted, for I could distinctly see the paint on his face. I knew the man when he passed the window positively. He did not wear mustachios when he shot the man.

Jurors—It was the painted man evidently. The Life Guards do not wear mustachios.

Witness—They had cloaks on, and were so muffled up with the brass clasps on their helmets, that I could not see their noses, eyes, and mouths. They were not so muffled up on the 14th. It was all a shuffling concern.

It was announced that the Adjutant of the Life Guards was in attendance. The Coroner directed that he should be called as the next witness, and he was accordingly introduced and examined by Mr. Harmer.

My name is Thomas Emans ; I am Lieutenant and Adjutant of the 1st Regiment of Life Guards. I never take the names of the persons

employed on duty except the officers. (The witness here observed that it might be proper for him to deliver to the Coroner a letter from Sir Robert Baker, in which he required the attendance of the military on the 14th inst. The Coroner read the letter, in which Sir Robert Baker desired that the squadron of Life Guards, on duty at the Hyde-park-barracks, might be immediately turned out to assist the civil power.) In consequence of this letter a detachment of Guards was sent to Sir R. Baker. The officers of the detachment were Capt. Oakes and two subalterns, Lieutenants Story and Hall. Lieut. Story's Christian name is George. I do not know Hall's Christian name. Captain Oakes is, I think, under 40, and is very tall; Lieut. Story is older; Lieut. Hall is about 23 years of age. Hall does not wear mustachios. It is not the uniform of the regiment to wear mustachios. I have sometimes seen an officer with a little bit, but when they come upon duty they always shave it off.

Mr. Harmer—Were you in attendance at the barracks yesterday when the troops were drawn out for inspection?—Yes.

Were the three officers you have mentioned there?—All that were on duty on the 14th were there.

But were those three officers there?—Yes.

Did you see either of them with mustachios?—No; I am positive I did not.

Mr. Hanson then proceeded to call witnesses on behalf of the soldiers.

D. Bowman, examined by Mr. Hanson.—I live in Hartley-street, Cavendish-square, and am a student in the London Hospital. On Tuesday, the 14th, I was near Cumberland-gate, on the day of the Queen's funeral. A man stood against the gate to prevent the soldiers from opening it. An officer of the Life Guards came up and spoke to him. The man looked up, and then the officer struck him several times; the man was on foot: the officer struck him with his sword; the man stood with his arms folded against the gate; I cannot say whether the officer struck the man with the flat or the edge of his sword; I did not see any blood come from the man; I then crossed the way to the corner of Cumberland-street; I there saw a man with a large paving-stone in his hand; I went up to him, and begged him not to throw it; the man then went up to an iron post, and broke the stone, and threw a piece as large as my hand towards Cumberland-gate; the stone passed very close to the body of the officer, and fell near the gate; I saw other stones thrown at this time; I could not see any cause which could induce the man to throw the stone.

A Juror.—But you had seen the man cut at the gate before this?—Yes.

Another Juror.—If you had been the man, or the friend of the man so cut, would you not have retaliated?—Certainly not.

The Juror.—Then I would.

Examined by Mr. Harmer.—I did not conceive that the man, being struck by the officer, was a sufficient justification for the throwing of the stone. I thought the man was resisting what ought to be. I saw no civil officer.

After the witness had signed his deposition, Mr. Hanson stated, that he was not prepared with any other witnesses at present, as most of those whom he intended to call were engaged at the other inquest.

One of the jury expressed his regret that they had not continued to sit for some time longer; upon which Mr. Harmer observed, that if Mr. Hanson had any more witnesses at hand, he (Mr. Harmer) would be very glad to call them himself.

After some conversation among the jury, the inquest was adjourned at half past 7 o'clock to the following day.

4th Day, Thursday, Aug. 23. On Thursday afternoon the Coroner and the Jury assembled, pursuant to adjournment, at the Goat, in Arabella Row, Pimlico.

Mr. French attended again, and stated, that he was refused admittance.

Mr. Lloyd takes care of Lord Bagot's house, and is also a door-keeper at the Coburg Theatre. He saw several soldiers struck with brick-bats and stones. He saw one struck on the helmet,

which was knocked off; and several were struck on the side, which must have hurt them. He saw two or three soldiers at his window with blood running down their faces. He saw no firing at that time; but he heard some firing afterwards, perhaps five, seven, or ten minutes after. While in his sight he never saw them attempt to cut at any one. They rode about and brandished their swords.

Cross-examined.—He was two or three times from the window. He might have been absent about half a minute. He could swear that he did not see the soldiers cut at the people. If a man had had his arm cut off, he perhaps might have seen it.

H. C. Elsegood, a surgeon, of 93, Park-street, was in the balcony of Lord Bagot's, on Tuesday the 14th, before the procession arrived. He saw a soldier strike a man with the flat part of his sword on the back. The conduct of the people was certainly not decent at the gate. The officer was particularly struck. He seemed to resent it more than the rest, and in consequence he got more than the rest in following the people up. Witness repeatedly saw the soldiers struck with stones at the time when the hearse was going through the gate. At this time several of the crowd were struck by the soldiers, as he thought with the flat part of their swords. He saw no cause for their firing; and as the point seemed to be gained, he thought there might have been

no necessity for the firing. The street was cleared, and he saw no necessity at that moment to justify the firing.

Cross-examined—There were stones thrown at the soldiers before and after the firing, but not at the time. There seemed to be a cessation of hostilities for two or three minutes before the firing, and then the people threw stones at the soldiers because they fired on them. He did not think he should know the officer who rode about among the people, striking them with his sword.

Mr. Jackson, one of the Jury, was here taken so ill that he could not stop in the room any longer, and it was proposed to proceed with thirteen Jurymen.

Mr. Harmer thought they had better adjourn; as if another should be taken ill, then they could have no verdict, as the Coroner had told them he should not take a verdict except twelve agreed.

Mr. Henson said he could not possibly close his case to night; but he thought he could finish to-morrow.

The Inquest was then adjourned until next day.

5th Day, Friday, Aug. 24.—At four o'clock the Jury assembled, and a witness for the defence was called.

Joseph Rice George—I reside at No. 238, Oxford-street, and am a clerk in the Colonial Audit Office in James-street, Buckingham-gate, West-

minster. The moment the people cried out, "The procession is coming," the soldiers were pelted with bricks, stones, and mud. I saw the military repeatedly hit, and could hear the stones rattling against their helmets. The violence of the mob seemed particularly directed against the officer who commanded this picquet; and from the blows I saw him receive from stones and bricks, he must have been a good deal hurt. I saw the military collected about the turnpike, for what purpose I cannot tell, but shortly afterwards the firing commenced. I think after five or six shots had been fired, I heard a cry of "Murder." I saw a man brought upon the shoulders of some people past my window, in a fustian dress, whom I believe to be Honey, bleeding from the left side, but not at that time dead. They did not always fire at the people, because I heard a ball whiz by my head in the balcony. That ball is now, I believe, sticking in the wall of the public-house opposite me.

Cross-examined—I am in the employ of government, but I come here to give impartial testimony, I hope.

Was there any striking made use of by the military?—I dare say there might be.

But you left out all mention of striking in your narrative?—From what I had previously detailed to the Jury, I should have thought their striking so much a matter of course as to render it unnecessary for me to mention it. There was

no clear space from Park-lane to Cumberland-gate. There was a considerable number of persons stood there till the soldiers fired upon them.

Mr. Harmer.—Charged upon them! That's another point, of which we never heard before!

William King.—I reside at 45 Great Poland-street, and am a medical student. On Tuesday the 14th, I perceived a great many stones thrown at the Life Guards, as well then as before the hearse came up to the gate. The people made use of the bricks underneath, and flung them as fast as they could at the soldiers as they rode up towards Tyburn-turnpike. Up to this time there had been no firing, though stones were flying about in all directions. I saw several of the soldiers struck by them, especially one young officer, who was struck three times by three several bricks. Prior to this I had seen the soldiers flourish their swords in the air, but I did not see them strike any body. The soldiers appeared to behave with the best temper and the utmost propriety. I did not see Francis killed. The people took to their heels and ran down Cumberland-street, after they saw the man (Honey) fall. Stones were thrown immediately before and during the firing.

Edward Pack examined by Mr. Henson.—I am Lieutenant of the Royal Horse Guards (Blues.) When the files that attended the funeral had got through the gate, there was a deuce of a riot, principally on my right, and a shower of

stones from the Park. Three of the Life Guards fired in the air. There appeared to be a regular fight. I think I heard and saw ten or a dozen shots fired. I conceive the duty of the Life Guards was to keep the gates open. It would be difficult to imagine men acting with more forbearance. They struck with the flat of their swords, at least those that I saw. I saw a man on horseback at the gate struck on his hat, and his horse struck. It was with the flat of the swords they struck him. Two of the Life Guards struck his horse, turning him out of the gate, he insisting on his right to remain. I saw a person struck at the gate. I don't know if he had his arms folded. He ran down Oxford-street, and they followed and struck him with the flat of their swords on the hat.

Thomas William Gordon examined by Mr. Henson.—I am a Cornet of the Blues. I was on duty with a detachment of my regiment on the 14th, attending the procession. I observed a contention between the people and the Life Guards. At this time stones were flying. The stones still continued to fly after the procession was through the gate; after which the firing commenced. I proceeded through the gate after the Royal carriage. I saw several of the Life Guards struck with stones at that time; and previously to their going through the gate. I thought the conduct of the Life Guards particularly good. They acted with great forbearance.

Cross-examined by Mr. Harmer.—I did not hear the Riot Act read. What was the first act of contention, or how long it had continued, I could not tell.

Thomas Scott.—I reside at No. 43, Old Compton-street. I saw three men standing apart in the space where the railing had stood, and a soldier, a Life Guardsman in a cloak, advanced to within three or four yards of one of them, and fired his pistol or other fire-arm at him. The flash appeared to go across his breast, and the man fell. I was too far from him to identify him. I can't say if any stones had been thrown at the time. I was too far off to see.

Mr. Henson here observed that he would trouble the Jury with no more witnesses, unless they wished to call them, although he had got a troop of them.

Mr. Harmer said he too had a great many more witnesses ready to come forward, but, from what had passed, and particularly after the testimony of some of the witnesses at the other side, he did not think it necessary to occupy any more of their time.

The Coroner stated, that, with permission of the Jury, Mr. Henson would read the evidence, as he (the Coroner) felt somewhat fatigued. The Jury having signified their assent to this arrangement, Mr. Henson commenced reading the depositions of the different witnesses. Mr. Harmer

relieved him in the repeating the evidence to the Jury.

The Coroner here said, that as the Jury were in possession of all the evidence, it might be necessary for him to make a few observations.

[On account of the low tone in which he spoke, we are unable to state the full purport of them. We understood him to place much stress on the extreme jealousy with which the interference of the military was naturally viewed in this country, even when employed in the assistance of the civil power. He considered, however, that the soldiers possessed rights also as citizens, and that they were entitled to entire justification in the enjoyment of them.]

The Foreman here observed, "that is for the Jury to consider."

At half-past 9 o'clock the Jury retired to a private room to prepare their verdict.

The Jury returned into Court at 10 minutes to 10 o'clock, having been out for 20 minutes. The Coroner called over the names of the Jurors, after which the Foreman, addressing the Coroner, said—"Our verdict is—**WILFUL MURDER AGAINST A LIFE GUARDSMAN UNKNOWN TO US JURORS.**"

The Coroner (to the Jury)—Is that your verdict, Gentlemen?

All the Jurors signified their assent, after which they signed their verdict.

The Foreman then said he was requested by

his brother Jurors to convey their thanks to the Coroner for his impartial conduct during the whole of the arduous investigation, which was now brought to a close.

Mr. Harmer wished to add his testimony to that of the Jury, with respect to the proper conduct of the Coroner.

The Coroner returned thanks to the Jury in a few words.

The Foreman afterwards conveyed the thanks of the Jury to Mr. Harmer and Mr. Henson, for their gentlemanly and impartial conduct during the Inquisition. The Gentlemen thus complimented, severally returned thanks, after which the Court was dismissed by proclamation.

ADJOURNED INQUEST ON RICHARD HONEY.

6th Day, Friday, Aug. 24.—This day was chiefly taken up in examining the reports of the degree of certainty or uncertainty with which the witnesses who went to inspect the Life Guards spoke, as to the identity of the individual who shot Honey. It appeared that William Alexander, a young man about eighteen years of age, was positive as to Sub-Lieut. Gore, and to prevent mistakes, the Adjutant directed him to touch the horse on which he sat.

Edward Scott, of Jewin-street, stable-keeper, swore that he saw an officer shoot Honey.

Thomas Rutherford, a servant of Lieut. Gore's,

came forward to swear that his master went on duty without pistols in his holsters, but such was the nature of his evidence, that the Foreman suggested the propriety of expunging it altogether. He had said and unsaid various things. For his part, he did not believe a word the witness said. First, he had declared that he did not know whether his master was or was not present ; but when pushed into a corner, he confessed that his master was present. The Foreman moved that the evidence of the witness should be obliterated.

Several Jurors concurred in the suggestion. One of them declared that the witness was a perjured man, and had told a base lie.

Christopher Forge, a corporal in the regiment of Life Guards, was next called to speak as to the conduct of the populace ; and when it was concluded, one of the Jury said, " We are now quite exhausted, and I move that we adjourn till Monday."

The Foreman.—We request that summonses be issued to Sir Robert Baker and Colonel Cavendish.

This proposition was assented to, and at a quarter past eleven the Inquest was adjourned until two o'clock on Monday.

7th Day, Monday, Aug. 27.—The Coroner's Jury assembled, pursuant to adjournment, at two o'clock this day, at the New Inn, Edgeware-road.

Mr. Adolphus, and Mr. Henson, Jun. appeared on the part of the Life Guards.

Mr. Blakie (a Juror) said, if solicitors and lawyers were suffered to attend this Court on the part of persons who might be implicated, the Inquest would probably be procrastinated to a most unreasonable length.

Mr. Adolphus said, he would maintain that he had a right to act as counsel in that Court; but since the subject had been broached, he would take leave to say, that he protested, on the part of the persons for whom he appeared, against the interference of a magistrate of the county—an officer of rank superior to that of the Coroner—who acted, day after day, as an avowed advocate; who, if the papers placed in his hands were correct, examined the witnesses out of doors, and who made surmises and observations which were calculated to lead the Jury to come to a particular verdict, when it was notorious to all persons that if a verdict of the description to which he had alluded were returned, it would be the duty of that officer to strike the Jury who were afterwards to determine whether the verdict of the Inquest was well or ill founded.

Mr. Waithman observed, if he had conducted himself improperly, it would have been for the Coroner to have corrected him. He knew that on certain occasions, when he conceived the Jury to have been insulted—when, for instance, they were refused admission to the barracks—he had

expressed himself warmly ; but that was momentary ; and he would appeal to the Coroner and to the Jury, whether he had conducted himself like an advocate—whether he had shown an improper spirit—or had, in any respect, behaved in an ungentleman-like manner. He (Mr. Waithman) knew not of two parties in this case. This was an Inquisition. They were sitting in a Court of Inquiry, and it was the duty of every man, who knew any thing of the transaction, to come forward in aid of the investigation. As to the objection, founded on his being Sheriff of Middlesex, it appeared to him that the worthy gentleman was mistaken in the nature of the office, when he observed that, as sheriff, he was a magistrate. The worthy gentleman ought to know that, being sheriff, he could not act as a magistrate. He supposed the learned gentleman had borrowed his doctrine from the editor of a morning paper, for no other person would be foolish enough to assert it. According to that doctrine, if a sheriff had a brother or a son killed, he could not come forward to assist in the inquiry as to the cause of his relative's death. A sheriff could bring no action, neither could any action be maintained against him, because he was supposed to have the striking of the Jury. But, in fact, he had no more to do with the striking of the Jury than the Coroner had. He merely procured from the headboroughs and constables lists of persons who were eligible to serve, which he laid

before the magistrates, by whom the Jury were struck.

Mr. Adolphus said, when he used the word "magistrate," he could not be supposed to confound it with "justice of the peace." Every person who held a situation similar to that of sheriff was a magistrate, though not a justice of the peace.

The Foreman of the Jury here observed, that they were not to be alarmed by Mr. Adolphus's interference.

Mr. Adolphus asked, "Do I look alarming?"

Mr. Spicer, another Juryman, remarked, that no insult was meant by Mr. Adolphus; and Mr. Brown replied, that the Jury meant no insult to any one; but they were resolved to perform their duty.

The Coroner now desired that Sir Robert Baker might be called first, according to his own desire, to be examined.

Sir Robert Baker having been sworn, deposed as follows:—I reside in Berners-street. I joined the procession on the 14th inst. at Kensington. It was proposed that the procession should move along Church-lane to the Gravel-pits, thence by the Tyburn-road, the Edgeware-road, and the New-road. It did not pursue that line. The deviation was occasioned by obstructions which were placed at the end of Church-lane, Kensington. I proceeded on to the Park-gate at Kensington, considering myself at liberty to take the

the nearest route to that which I have described, in case of any turnings, that were intended to be taken, being obstructed. When we got to the Park-gate at Kensington, a party of the Life Guards came out of the Park, in aid of the civil power. I rode into the Park, with the intention that the procession should follow me, and the gates were immediately closed by the mob. A few constables who were there endeavoured to open them, but they were immediately overpowered by the mob, and the gates were again shut. Some of the Life Guards then attempted to open them, and the mob instantly began to pelt them with stones and mud. After a conflict, which lasted for a considerable time, I succeeded in getting back through the gate with my horse. Considering that it would be very dangerous to the attendants in the carriages to pass through the gates whilst that conflict was going on, I consented that the procession should move forward to Knightsbridge, which it accordingly did to Hyde-park-corner. When we got there, I found the Park gate obstructed with carriages, and also the end of Park-lane, to which I advanced. I stopped there whilst the commanding officer of the Life Guards sent down to the Horse Guards for further orders. After I had been there for some time, I was informed that the gates, which were made fast, had been opened, and that the hearse and carriages were proceeding through the Park. I therefore turned into Down-street, and came up

with two or three of the carriages which preceded the hearse. I got into the Park by Chesterfield-gate, and overtook the other part of the procession. As I rode up the Park, I heard the report of pistols towards Tyburn-turnpike. Before I got to Cumberland-gate those reports had ceased, and the procession was moving on to the Edgware-road. I saw some pieces of timber and an iron post lying in the road. They seemed to have been placed there as an obstruction. I passed on with the procession to Edgware-road. I know nothing of the affray at Cumberland-gate. The Riot Act was not read. The military did not fire by my orders. I do not know that any other magistrate directed them to fire. I was sent up to Kensington in consequence of the obstruction that had taken place there. The military came out to assist the civil power, in consequence of my orders. The officer had a right to send to the Horse Guards without my knowledge. I don't know what the orders were that the Life Guards received.

A Juror here asked from whom Sir Robert had received his orders? but Mr. Adolphus considered the question an improper one. Mr. Blakie censured the learned gentleman's interference; and quoted the case of *Rex v. Baron*, 1 Geo. IV. in proof that no solicitor was to be admitted, but through courtesy, at an Inquest.

Mr. Adolphus contended that counsel had a right to be present, and that right he claimed as

such, not as matter of favour. He meant to say that at all Coroners' Juries, counsel and solicitors had a right to be present, and he should interfere in a case of this importance, where a legal irregularity might in some degree affect the life, perhaps, of a man. At the last session but one at the Old Bailey, Mr. Baron Garrow declared that evidence was taken in so loose a manner before the Coroners' Inquests, that a great deal was inserted as legal evidence which ought by no means to appear. Without repeating his lordship's words, which were not complimentary to Juries of the present description, he said that "a great deal of irrelevant matter was put on record."

The examination proceeded:—Sir Robert Baker said, that in point of fact, the commander of the escort had the command of the route. The procession moved on through Knightsbridge by my consent. I did not order it in any way to proceed up through Hyde-park. I did not read the Riot Act; and my reason was, because it would have been a capital felony for any persons to remain on the spot for one hour after it was read; and I had no intention of sitting for an hour in any given place for that purpose. It was my object to get the procession on as quickly and as quietly as possible, and as near as I could to the prescribed route. At Kensington the behaviour of the populace was disorderly, violent, and outrageous in the extreme. As far as I had an

opportunity of observing the conduct of the military I thought it perfectly good ; they were very much insulted in my presence by the populace. I saw a great many stones and mud thrown at them. I was struck myself with mud. The soldiers, while I was present, showed no disposition to revenge that conduct ; but they endeavoured to force the gates open by cutting at the people either with the edges or the backs of their swords ; I don't know which. I had seen stones thrown at them before they cut at the people at the gates.

To questions put by the Jury, Sir Robert said, I don't know Mr. Greig : there was a person on horseback, who was particularly anxious about the procession going through the city, and who frequently came up and addressed me. I did tell him that I thought we should be obliged to go through the city ; and that if we did so, we must pass down St. James's-street and Pall-mall, as it was market-day in the Haymarket, and that place would be blocked up with carts. I don't recollect his saying any thing about Mr. Alderman Waithman or Lord Hood, or giving him any authority to go and tell them. I must further explain, for not recollecting precisely the words I may have used, that at the times this person addressed me, there were generally five or six other persons talking to me at the same moment, and on all sides. What I said (according to the evidence of Greig) about Carlton-house to this per-

son, desiring the exertion of his influence to prevent any insulting demonstrations before it, is perfectly correct. The intended line of the procession was not altered at any time by the free will of the persons appointed to conduct it, but in obedience to a force which I could not resist, without (in my judgment) occasioning serious danger and injury as well to the soldiers as to the crowds who were collected, and to the parties attending the funeral; many of whom were females, and had been shut up for hours in carriages, in a state of great alarm.

The next witness was Lieut. Col. Cavendish. He stated his name to be Henry Frederick Compton Cavendish; he was Lieut. Colonel in the Life Guards. He had joined the regiment since the 19th July. He knows nothing of the death of Honey, but by report. Captain Oakes had the chief command of the Life Guards on the 14th instant; the officers under him were Lieut. Storey and Sub-Lieut. Hall. Another detachment was commanded by Lieut. Terry; he had under him Lieut. Gore: a corporal commanded at Hyde-Park gate, and Lieut. Gore at Cumberland-gate. Having so recently joined the regiment, I do not know the names of the trumpeters; don't know if one of them is named Farmer. Lieut. Gore is a young man, rather tall, and of a dark complexion, and his hair rather brown. Understood, on inquiry, that he did not carry pistols on the 14th.

Examined by Mr. Adolphus.—I saw the most of the regiment go out on the 14th; they were in good spirits, and appeared in perfect health; they were clean and well accoutred. I saw them on their return. There were thirty-six of them went to the hospital, and eight, I believe, remained; but I can't exactly say to this. The men were covered with mud and dirt. I know of the number of men wounded, by the official report which the surgeon made to me. Those eight men were absent from the next parade in consequence of their wounds. I saw the horses; one of them was cut under the throat, apparently with a knife, or some sharp instrument.

By Jurors: Don't know the names of the men that were out on the 14th. Have no list. Could procure a list, but could not answer for its correctness. The Adjutant is the proper person to furnish a list.

The Foreman of the Jury and Messrs. Caife and Brown here remarked, that obstacles were thrown in the way of their enquiry; that, however unwilling soldiers might be to answer questions, it was surprising that their superiors should shew the same reluctance: but if the Jury sat for a twelvemonth, they would probe the matter to the bottom.

Mr. Blakie: Colonel Cavendish, before you leave the room, I cannot refrain from making known to you the unworthy conduct of a part of your regiment stationed at a gate leading into

the barracks. When, as Jurors, we went there we were violently assaulted and grossly insulted by the soldiers. For myself and my fellow Jurymen, I protest against this unlawful conduct; and I beg that you will make known to the individuals who thus behaved, that we are duly sensible of the outrageous obstruction which they opposed to us; and that we will keep it long, very long in remembrance.

The Foreman : I believe you speak the unanimous sentiments of the Jury.

Mr. Caife : Colonel Cavendish was present, and ordered the men to do their duty.

Mr. Blakie : Yes; and they did their duty by cutting my mouth.

Colonel Cavendish : I cannot answer to these matters. I am summoned to speak to the death of Richard Honey.

Mr. Caife : The inspection I allude to related very essentially to the death of Honey.

On Margaret Yule, of 2, Great Cumberland-street, being called, she deposed, that she had not seen from the balcony of the first floor any stones thrown before the firing.—On Mr. Adolphus asking if it might not have been done without her seeing it, a warm contention arose; many of the Jury contending that the latter question was not proper, and others denying the right of counsel to be present. On Mr. Blakie appealing to the Coroner, to know if Mr. Henson, who had

until then appeared for the Life Guards, could employ a substitute, he replied, "Undoubtedly Mr. Henson has a right to employ any barrister he pleases. In fact, Mr. Adolphus is a more proper person to attend than Mr. Henson, the latter being a solicitor, the former a barrister.

Two of the Jury, Messrs. Blakie and Caife, suggested, as there was a deficiency of legal evidence, it would be better to adjourn. With this proposition the Foreman concurred, observing that he differed in opinion from the Coroner as to the attendance of Mr. Adolphus.

The Coroner: "I think, when Mr. Adolphus asks a question for the purpose of eliciting the truth, that his labours are highly useful. Why should he not do the same that has been done on the other side?"

A Juror: "I don't know the meaning of the other side. We are not distinguished by sides."

The Coroner: "Mr. Adolphus has stated that he attends here for certain parties." The Foreman:

"The King is the prosecutor. We know nothing of parties."

Mr. Adolphus: "If I had an advocate to oppose, I should know what to do."

Mr. Brown: "After all, we are to decide on this business, not you."

Mr. Adolphus: "I am sorry to see Englishmen acting in this way. Those accused must stand with their lives and fortunes at a criminal bar."

Mr. Blakie: "Who is accused?"

Mr. Adolphus : “ It is notorious that some persons are accused. Any person who reads the newspapers will acknowledge that fact.”

A Juror : “ We have nothing to do with newspapers.”

The Coroner here asked the Jury if they would proceed ? upon which the Foreman said, “ To some points our Coroner speaks with readiness, but on others it is difficult to understand him.”

The examination proceeded.

Josiah Brown, of 2, Great Cumberland-street, butler to Mrs. Dawson, deposed, that the throwing of the stones preceded the arrival of the hearse. He did not see, he only heard the firing round the corner.

A Juror now asked whether the soldiers were coming who had been summoned. The Foreman and another Juror understood they had been instructed not to come. Another Juror said, “ I heard you, Mr. Adolphus, tell Mr. Henson to advise the parties—in short, to tell them not to come.” Mr. Adolphus did not deny, but merely observed, that whatever had passed between Mr. Henson and him, was a sacred deposit for the benefit of others.

Summonses for Capt. Oakes, Lieut. Hall, Lieut. Storey, Lieut. Gore, and Lieut. Terry were then issued ; as also for the corporal, and another soldier.

The Inquest was then adjourned till Wednesday at two o'clock.

8th Day, Wednesday, Aug. 29.—Corporal Haywood was the first witness called. He was on duty at Cumberland-gate with Lieut. Gore's party. The first thing that occurred was, that a crowd came to the Park gates and shut them. When the people were taking hold of the gates, we asked, were they the gate-keepers, and they answered us with all manner of ill-language. We were then obliged to draw our swords and to use force.

Coroner : What do you mean by force ?

Witness : Why, to drive them away ; to compel them ; to strike them. There were at this time some stones thrown, but of no great consequence. When the gates were again closed, we again attempted to open them, and were received with a shower of stones from the walls and the lodge. I was struck at the second opening with a brickbat on the temple, and was blind and deaf for two or three minutes. We were not ordered to use violence, but we were obliged to resort to it, because the people would not go away when we spoke to them.

[A letter from Capt. Lygon was received by the Coroner, stating that the officers summoned were out of town, but the summonses had been sent to them, and they would attend speedily.]

William King, housepainter, of Great Wild-street, Lincoln's-inn-fields, was close to Honey when he was shot. The people had ceased to throw stones at the time, when a young officer,

quite wantonly (as witness thought) turned round on horseback, and took aim over his bridle-arm, for about a second. Witness did not know whether the pistol was meant for him or for the deceased; but he stepped aside, and deceased fell. The officer wore no cloak or mantle. Witness came to Cumberland-street after the dispersion, and there saw the same officer conversing with the trumpeter and a private of the Life Guards, who was next to him in the inside, with great familiarity, and occasionally laughing.

Mr. Joseph Wilfred Parkins stated, that when the first stoppage took place at Kensington, he rode off as hard as he could, by desire of Mr. Bennett and Mr. Hobhouse, to inform Lord Liverpool of the impossibility of forcing a passage against the people, and to warn him, that the Government must answer for the bloodshed that would ensue from any such attempt. This message he sent to Lord Liverpool from Whitehall. He then rode back, and joined the procession in the Park. Mr. Parkins here gave a vivid description of the dreadful scene of screaming and confusion that ensued, which he viewed from Cumberland-street. Among other things, he saw a person in coloured clothes ride up on a charger at full speed, accompanied by two or three troopers. This person rode up to the hearse and knocked a man down, whom witness thought an undertaker's man. At this time witness first saw stones thrown. Witness believed the person in

coloured clothes to be Colonel Cavendish. [Mr. Henson here said, that Colonel Cavendish was not away from the barracks all day.] While the firing was going on, a soldier, in reloading his piece, let fall his cartridge, which was picked up and given to witness. It was a ball cartridge. [Here witness produced it.]

Thomas Whealdon, journeyman coach-carver, of Hertford-street, May-fair, saw the beginning of the affray at Cumberland-gate. The people had shut the gates. The soldiers finding they could not open them, cut at the people with their swords or sabres, I can't say which. I saw one man cut over the hat. Directly as the soldiers cut with their swords, they were assailed with brickbats from all quarters.

9th Day, Thursday, Aug. 30.—It was intimated that Capt. Oakes and two officers were in attendance ; but that Lieut. Gore had not had time to arrive in town. Mr. Henson, however, undertook that the Lieut. should be present at the next meeting. This excited a great deal of warm conversation between the Jury, the Coroner, and Mr. Adolphus, in the course of which the presence of the latter was again objected to. Lieutenant Gore arrived while the evidence was proceeded in.

Captain Oakes, who commanded the main detachment of Life Guards out on the 14th August, was examined ; and the Jury aimed chiefly to

extract from him by whose orders the procession was turned into the Park, contrary to the wishes of Sir Robert Baker. The Captain said he was first ordered out to assist the civil power, and he considered himself under the orders of Sir Robert Baker. He received another order, however, as to the route of the procession, but for a long time resisted saying from whom it came, or what it was.—“ Did Sir Robert Baker ever tell you that it was his intention to proceed through the city ? ” “ He did ; but my orders being to assist the civil power in going through the Park and on to the New-road, I begged Sir Robert Baker would suspend his intention till I consulted higher authority, which he did.”

Witness proceeded to describe the attack made by the people on the military, which was more terrible, he said, than he could give the Jury any idea of. Stones were thrown all the way from Grosvenor-gate, and he entered Oxford-street under a shower of stones. He at first failed to open the Park-gates, but afterwards used greater force, and opened them. He declined to state whether he gave any orders to fire ; but he could assert, that the firing originated with his own, and not with Lieutenant Gore's detachment.

Lieutenant Gore was now called in. [A handsome young man, apparently rather under than above the age of twenty, and of an appearance remarkably interesting and prepossessing. Throughout the whole of his examination he

seemed to be perfectly collected, and gave his answers with facility and readiness. He is understood to have made his journey from Paris with astonishing rapidity.]—He knew nothing of the death of Richard Honey. On the 14th of August he was stationed at Cumberland-gate, with twelve men and a trumpeter. He looked under his shavraque, and observed that there was neither cloak nor pistols. He was entitled to wear pistols; but to the best of his belief he had not worn them before. He borrowed no pistols on the fourteenth of August. He could not tell who commanded the soldiers to fire; there was much confusion, and his men were so mixed, he could not tell one from the other. Witness was in Cumberland-street in the course of riding about, but none of his men were there. Some time after the affray, people came up, insulting the soldiers, and pointing to himself, (witness) saying, “That is he who shot the man.”

In the course of his examination, a smile was observed on the face of Lieutenant Gore, and at the same time the Coroner and Mr. Adolphus were smiling. A Juror sharply rated the officer for indecent levity; in consequence of which, when he had signed his deposition, he appealed to the Jury whether they had observed any thing wrong in his behaviour. “If they have,” he continued, “I shall be most ready to make an apology; but if not, I must say, that the observation of the Juror was a most wanton and uncalled for attack,

and most unmanly, as it affected the character of a young officer." [Applause on the part of some auditors followed. Several of the Jury observed, the conduct of Lieutenant Gore had been most correct and gentlemanly.]

It was intimated, before the Lieutenant retired, that several persons were in attendance, who could identify him as the man who had shot Honey. Lieutenant Gore professed his extreme willingness to be inspected; but Mr. Adolphus obstinately objected, saying, "it would establish a precedent to the ruin of innocent persons!" It was not persisted in; but after the Lieutenant had gone, three former witnesses, who had seen him passing to and fro, or through the window, were successively examined.

William King was quite positive that the gentleman he had seen in the Inquest-room (pointing to where Lieutenant Gore had sat) was the person who shot Honey.

Samuel Green was equally confident.

William Spratt was almost positive. On the inspection day at the barracks, he had hesitated between this officer and another, on whose face colour had been put, for the purpose, as witness thought, of confounding them.

10th Day, Monday, Sept. 3.—Mr. Gall, one of the Jurors, rose to complain of a misrepresentation in the Courier, which made him say, during a discussion on the right of Mr. Adolphus to sit

at the table, "By G—d, Mr. Coroner, another place must be found for Mr. Adolphus; he shall not sit here." He appealed to Mr. Adolphus and the Jury, whether he had ever used the expression.

Mr. Adolphus said some such words were certainly used; but from the number of persons present, and the variety of observations made, it was impossible for him to say what had fallen from the lips of any particular individual. The very mention of the fact, however, would answer the purpose intended by Mr. Gall, as every paper would mention his disavowal of the words.

Mr. Adolphus then notified that Lieutenant Gore would attend at the next sitting, to give the witnesses a direct opportunity of identifying him if they could.

John Sowersby, a private in troop C of the Life Guards, was then called—He was one of the ten men at Cumberland-gate under Lieutenant Gore. There was one trumpeter, a young man, there, but does not know his name. Just after the hearse passed through, a volley of brickbats and stones were thrown, and one of them broke witness's shoulder blade, and he was now on the doctor's list; there had been no firing previous to this; he then became insensible; did not see Lieutenant Gore have any pistols on that day; did not hear him ask any one to lend him one; there is no trumpeter of the name of Jones in the regiment, but there is a musician of that name;

he saw many soldiers struck besides himself. Jones does occasionally blow the trumpet, was not sure he was with them on the 14th; did not know his Christian name.

The next witness was Joseph Hitchman, another of the privates who were with Lieutenant Gore.—They kept the gate open as well as they could; the crowd came up and shut the gates once or twice; and witness and his comrades endeavoured to open it. The trumpeter did not belong to our troop; he was not twenty, but does not know his name; no one ordered him to conceal the name of the trumpeter. Did not see Lieutenant Gore have any pistols on the 14th; don't know if he borrowed any. They were ordered to keep the people quiet, and they did so as well as they could; the people called them every thing but gentlemen. They were obliged to ride over, and among them, when they would not go. They cut about a good deal, in order to make room for the procession, but witness could not exactly tell how they used their swords; did not see any body cut; he had enough to do to mind his own business. Witness knew Lieutenant Hall; but could not recollect if he saw him on the 14th.

Robert Jones, trumpeter, a smart looking young man apparently not twenty, was then called.—He is an extra-musician in the First Life Guards; was on duty at Cumberland-gate on the 14th; does not belong to Lieutenant Gore's detach-

ment: saw the Lieutenant at Cumberland-gate, but had no conversation with him; he did not ask witness to lend him a pistol, or any one else; did not lend it without being asked, nor did any one take it from his holster. He had but one with him, but that he could rely on. His pistol was not fired on that day; he came up with Captain Oaks, and passed through with the horses of the hearse; saw and felt the brickbats before the firing.

William Bishop, the trumpeter of Lieutenant Gore's party, was then examined.—Knew nothing of the death of Richard Honey; had one pistol, but no ammunition; lent it to no one; it was not out of his possession on that day; had no conversation with Lieutenant Gore; did not observe that he had a pistol; knew Lieutenant Hall; first saw him at Cumberland-gate when the hearse came up; there was much confusion at that time. After the procession had passed through, the soldiers all mixed together; the hearse had gone through about five minutes before he heard firing; it was then in the direction of the Edgeware-road; witness was then at Cumberland-gate, and did not see Lieutenant Gore at that time; did not know which detachment commenced firing; did not see any officer fire on that day; did not see Lieutenant Gore in conversation with a gentleman in plain clothes, with a corporal, or Lieutenant Hall; saw no other trumpeter there, nor did witness dismount during the whole day.

D. French was then sworn.—He was there during the whole funeral. Saw the officer who fired the pistol, but did not see the man fall. I heard that one of the officers fired, and I saw all the officers; do not know Lieutenant Gore. The witness was then told he might retire.

Mr. Blakie, one of the Jurors, said he did not think any information could be gained by proceeding in the examination of the soldiers; but he reserved to himself the right of calling more witnesses, even after the examination of witnesses to be called by Mr. Adolphus, if he thought their testimony important.

In the course of the day a gentleman, who stated himself to be Mr. Crowder, a solicitor, claimed to be present on the behalf of one of the parties concerned, whom he would not name; but the friends of the deceased, and Mr. Adolphus, disclaimed all connection with him, and he did not offer to put any questions.—Adjourned.

On Wednesday, after the Jury had assembled, Lieutenant Gore attended: The witnesses who had deposed that they could identify the person who shot the deceased, were called in, and examined to the point, Lieutenant Gore standing before them: Three of them, King, Spratt, and Green, declared him to be the man. A fourth witness, Mr. Deloraine Jones, who had stated that he could identify the person who fired at Honey, confessed that he could not identify

Lieutenant Gore as such. After the evidence called by the Jury had closed, Mr. Adolphus enumerated the several points which he proposed to establish by his witnesses. 1st. That the soldiers acted in self-defence. 2d. That Lieutenant Gore was not one of those before whom Spratt had made a stop during the inspection at the barracks. 3d. That none of the officers were on that occasion disguised or painted: and 4th (in refutation of King's testimony) that Lieutenant Gore was not at the Horse Guards on Sunday, after the funeral of the Queen. Mr. Adolphus then called a witness, who deposed that the mob commenced the attack on the 14th of August. In the course of the proceedings much angry feeling has been shewn by the Jury and the professional gentlemen attending the Inquest.—At half-past nine the Inquest adjourned till Friday.

The following were among the angry expressions used in the course of the day :—

A number of Jurymen delivered it as their opinion, that a counsel had no right to cross-examine a witness as to the evidence he might have given on a former day from the notes which he or his short-hand writer might have taken; but that such cross-examination must rest upon the deposition taken down by the Coroner.—Mr. Adolphus: You have no right to interrupt me in my cross-examination; you are not the court.—Many of the Jurors: We tell you, Sir, that we are the court, and that the Coroner cannot do without

us.—**Mr. Brown** : The learned gentleman may be very cunning as a lawyer, but we have as much common sense as he has ; and an ounce of sense is worth a pound of cunning.—**Mr. Adolphus** : An ounce of honesty is better than all that, and I think it necessary now to remind you of it.—**Mr. Brown** : We are as honest as yourself, or any other set of men, and there is no occasion to remind us of our duty.

Again, on the occasion of **Mr. Adolphus** putting a question which the Jury thought had nothing to do with the investigation, **Mr. Adolphus** said, I have a right to put the question, and the witness must answer it.—**The Foreman** : If a counsel is allowed to adopt this course of proceeding, we may have to sit here for ever, without coming to any conclusion. It may be very well for a counsel who receives his twenty guineas a day for attending here, to spin out the time in this manner ; but it is very hard upon us, who are thus kept away from our business.—**Mr. Adolphus** : Whether I have twenty guineas a day for my attendance or not, has nothing to do with the question now before the court ; but from the conduct of certain Jurors here, I will say that I would not take twenty guineas a minute to be bound to sit in such company longer than my duty requires me to do so.—**A Juror** : I must say that myself and my brother Jurors consider **Mr. Adolphus** as a thorn in our flesh ; and that we shall never be able to do our duty properly,

until he is removed from us.—Mr. Adolphus :
Then your best way is not to touch that part of
the flesh where the thorn is.

Friday, Sept. 7.—Michael Bowman sworn—
Am a surgeon in Harley-street, was in Oxford-
road, near Cumberland-gate. I saw the Horse
Guards there. They were under the command
of a young officer without a cloak, attended by a
person whom I supposed to be a trumpeter. I
saw the soldiers in the act of drawing their
swords, being then pelted by the mob with dirt
and other things. There appeared to be a great
confusion about the gate, and the soldiers soon
returned through the gate, pelted by the mob
with brickbats and stones. I saw many of the
bricks brought from the wall of the Park. I
thought that the lives of the soldiers were en-
dangered by this pelting. The soldiers repeat-
edly rode down Quebec-street, after the mob,
amidst a shower of stones and bricks. When the
soldiers pursued the men who threw stones, the
latter mixed with the mob, so that it was impos-
sible for the military to reach them without riding
among the people. The officer was struck with
bricks and stones as well as the rest. The hearse
passed on, and about three minutes afterwards I
heard the report of a pistol ; soon afterwards, a
man was carried by the window on the shoulders
of others. When I saw the soldiers pelted at

the Park-gate, they made no resistance at all ; at this time they were going through the Park.

Mr. Adolphus here asked if the conduct of the soldiers in general was forbearing or otherwise. Mr. Blakie contested that the question was an improper one, and that the witness ought only to speak to the acts of the soldiers. Witness resumed—The soldiers showed the greatest patience and forbearance.

By Mr. Green : The number of bricks thrown, was very great. If I could count them, I should suppose that there were twenty stones flying at a time, round the officers' heads. I thought the lives of the soldiers in imminent danger. I saw none of them wounded, but saw several struck with stones. I saw an officer very much pelted. I now believe that it was Lieutenant Gore. The trumpeter only struck the man on the wall with the back of his sword.

Mr. Brown : I do not see how Mr. Adolphus can prove that the people gave the provocation.

Mr. Adolphus : I consider it proper evidence to prove that fact. Mr. Brown : That I deny,

Mr. Adolphus : I dare say you do, and that you will deny it by your verdict. Here there was a general cry of "Shame ! shame ! shameful !"

Mr. Green : It is a scandalous assertion—it is an insult to the Jury ; to anticipate our verdict is infamous.

Mr. Adolphus : The person who speaks of infamous conduct should look at home. Mr.

Brown : I say Mr. Adolphus has brought this

witness forward to prove that the people gave the first provocation, and I deny that he has proved that fact. Mr. Blakie : I am sorry that my brother Jurors, who know the nature of this proceeding, should pay the least attention to any thing that Mr. Adolphus says. Mr. Spicer : Gentlemen, this is not the way to conduct an Inquest, we should be more orderly. Mr. Green : Mr. Coroner, we wish not to be brow-beaten and bullied by an Old Bailey counsellor. Mr. Brown : We have permitted him to be here, Mr. Coroner, on your account. Had you attended to our protest against Mr. Adolphus, we should have gone on quietly. The Coroner : If this altercation is to go on, we had better adjourn till we get cooler. Mr. Spicer : Gentlemen, you will be sorry for this. Mr. Adolphus : They are now gentlemen of the Jury ; but we all know what they are.

Mr. Richard Buckle Teast, a gentleman of property, from Bristol, was next called as a witness, and spoke to his having, while in one of the windows of the Hyde-park coffee-house, seen the soldiers pelted with stones before any shots were fired.

Mr. Brown : I have a question to put to the witness, which by some gentlemen may perhaps be considered as a very radical one : I ask you, Sir, whether, if the people at any time choose to shut the gates of the Park, you do not think they have a right to do so ? The witness said he could

not answer that question.—The Coroner observed that it was a mere matter of opinion, which no witness could be bound to state as evidence.—
Mr Brown: Never mind that; I will persist in putting the question: I consider the Park as a place reserved for the benefit of the people, and think they have a right to the use of it. The witness again said he could not answer the question.—**Mr. Adolphus:** When any civil or military authority are passing through the Park, or happen to be in possession of any of the gates, no persons have a right to obstruct them; and it is shameful [and shocking to hear such principles promulgated here. **Mr. Brown:** I say again, that the Park is for the benefit of the people, and that the King himself has no right to shut it up, or to prevent the people from shutting one of the gates, if at any time it should be necessary for their security to do so. After some further remarks, this question was ordered to be expunged from the minutes.

John Layd deposed as follows:—I live at 9, Great Cumberland-street; I look after a house belonging to Lord Bagot. On the day of the Queen's funeral I looked from a window opposite Cumberland-gate; I saw a party of twelve Life Guards there, for nearly an hour before the hearse came. A little before the procession came up, a great mob of people came up Park-lane and that way, and closed the gates. The soldiers came up to the gates to open them, and a most furious

attack commenced upon them with stones and such sort of things, from all directions. After a great struggle, the soldiers got the gates open, but they were shut again once or twice; stones were flying in all directions. In all this time I did not perceive that the soldiers used more strength than was necessary to get the gates open. I saw several soldiers struck with large stones, bricks, and brick-bats; one or two of these were quite doubled up on their horses. I really consider that the lives of the military were in considerable danger. Up to the period of which I have now been speaking, I had not heard any report of fire-arms. In some time after, it might be five, six, or seven minutes, I heard a report of fire-arms; I did not see any body discharge them, I only heard them. I hold a place under Government; I am employed as one of the household trumpeters; I am a door-keeper also at the Coburg Theatre.

Michael Lambton Este, surgeon of the First Regiment of Life Guards, and Samuel Bloxham, veterinary surgeon to the regiment, spoke to the injury suffered by the men and horses on the 14th.

The next witness was Edward Pelham Brenton, Esq. Captain in the Royal Navy. On the day in question I saw what took place at Grosvenor-gate; I was in my own house, at the upper bed-room window; a great crowd followed up Park-lane; I think about fifteen or twenty of them setting up a horrid yell; calling out, "You

have murdered our Queen, you bloody Piccadilly butchers ; ” at the same time a volley of stones was thrown at the Life Guards, who rode past at the side of the funeral, as well as at the corporal’s guard opposite the gate, and fairly drove them from that position ; they quietly marched over to the opposite side of the road, then faced about, fronting Lord Dudley’s house, and remained in that position, notwithstanding the volleys of stones which continued to be thrown at them until the hearse passed between them and the mob, when they joined the procession, and went on towards Cumberland-gate ; the mob still followed, pelting them with stones until I lost sight of the procession ; at half-past twelve I heard a firing, which continued I think a minute and a half, perhaps two minutes, and I observed, “ The Life Guards can stand it no longer.”

The depositions were then read over to the witness, and he added in explanation, that the volley of stones which he saw thrown by the mob who accompanied the hearse, was not thrown by the whole mob, but by about fifteen or twenty persons.

The next witness was Colonel Cavendish : I was present at the inspection of the Life Guards on the 21st, by some of the witnesses ; I saw a person there who gave his name as Spratt, a witness ; he went down all the lines, in front of the lines once, and upon coming to the end of them, requested to be allowed to go back

again, in order to see an officer whom he believed to be the man who shot Honey; as other witnesses had been allowed to do the same, he was allowed to go back to the first line again; he stopt at the second officer on his left hand, whose name is Walrond, he is a sub-lieutenant; after looking at him a moment, he passed on to another, looked at him, and returned again; his name is Locke; he passed by him again, with his eyes fixed upon him, then made some sort of motion with his head and arm, which appeared to me to signify that he could not make up his mind whether that was the man. Lieutenant Gore was in the same line, much lower down; I cannot say according to my recollection that Spratt stopt or made any particular indication respecting Lieutenant Gore.

Neither they nor Lieutenant Gore, to my knowledge, painted their cheeks on that day. Neither Lieutenant Walrond or Hall are, in my opinion, at all like Lieutenant Gore in personal appearance.

By a Juror: Spratt did not fix upon either of these men; he only looked at them. Mr. Emaus, the Adjutant, gave a similar testimony.

William Lock examined.—I am a sub-Lieutenant in the First Regiment of Guards; I was drawn out for inspection on the 21st of August; I used no contrivance or arrangement to cause people to mistake my person for that of Lieut. Gore, or Lieut. Gore's for mine; I used no art or

contrivance whatever to change my countenance ; upon my oath I used no paint on that occasion : I had more colour then than I have now, for I have been on my couch since last Sunday week, in consequence of a blow which I received from a brick-bat.—Lieut. Bettell Walrend spoke to the same effect.

On Tuesday the 11th, the Coroner's Jury assembled at half after ten, pursuant to adjournment. Mr. Adolphus and Mr. Henson were present. The Jury having been called over, Mr. Adolphus rose, and begged to correct a mistake of Mr. Henson's, who had stated, on a former day, that Colonel Cavendish was not out of the barracks during the whole of the 14th August, the day of the funeral ; whereas, he was on that day both at Grosvenor-gate and Cumberland-gate. Lest this mistake should have prevented any of the jurors from asking any question they might have wished, the Colonel was now in attendance, and ready to answer any question that might be put to him. None of the jury being desirous of calling the Colonel, his attendance was dispensed with. The Foreman then intimated, that the jury were desirous that witnesses should be called as to some particular points, before they proceeded to the reading of the evidence. The Coroner having given his assent, the following witnesses were called :—Geo. Gunn, of 10, Charlton-street, Fitzroy-square,

tailor; Henry Charles Elsgood, surgeon, of 9, Park-street, Oxford-street; and John Watts, of 1, Osnaburgh-row, Pimlico. This being the second examination of the witnesses, nothing material was elicited. They were confronted with Bishop, the trumpeter; but neither Mr. Elsgood nor John Watts could identify him as the individual who fired and killed Richard Honey.

The Foreman then said, "Mr. Coroner, it is my duty respectfully to inform you, that it is not our intention to call any more witnesses. We have several other witnesses whom we might call, but we have agreed not to examine any more."

The whole of the evidence was gone through by half-past nine o'clock, which was much earlier than was generally expected, considering that the depositions of not fewer than ninety-four witnesses were to be read over. Towards the close of the reading, the Coroner appeared not a little fatigued from the exertion. As soon as he had concluded the evidence, he thus addressed the Jury:—"Now, Gentlemen, we have got through the evidence, and it is necessary to consider what was the order and course of the transactions which form the subject of our inquiry. I perceive that you have all taken full notes of the circumstances as they were given in evidence, and if, in the course of the remarks which I shall offer, I state any thing wrong, you will have it in your power to correct me. From the cause I have just stated, it will not be necessary for me to go

into detail upon the whole of the case. I shall take it up at the evidence of Sir Robert Baker, who was present at a very early period of the procession. From his evidence it appears that he came up to Kensington, and there he found that the funeral was obstructed in its passage. Whatever interruption then took place, let it be by whom it would, certainly was illegal. Sir Robert Baker finding this interruption was not to be surmounted, allowed the procession to proceed to the gate of Hyde-park, where the tumult became very great, and finding the mob still opposed the procession passing through the Park-gate at Hyde-park-corner, the person charged with the conduct of the funeral, it would seem, suffered part of the procession to pass along Piccadilly. Here it appeared the Horse Guards, engaged in this transaction, first joined the procession for the purpose of clearing the way : in doing which it appears some person was struck on the back by one of the Horse Guards, but it appeared to have been but slightly. Sir Robert Baker, it was well known to all those who were acquainted with him, was a remarkably mild and amiable man, and himself the father of a large family, and it being represented to him that if he resisted the people's inclination to bring the funeral through the city, there would be great danger of bloodshed, consented, it would appear, to let the procession go through Piccadilly. A person, however, whose name had been men-

tioned, the deputy of Mr. Bailey, who, strictly speaking, was charged with the conduct of the funeral procession (his name he believed was Chittenden), caused the funeral to turn suddenly into Hyde-park through the gate. The people were naturally disappointed at this, and immediately ran on through Park-lane and other neighbouring streets in order to get before the funeral, and collected at the gate leading into Oxford-street, called Cumberland-gate, which the people endeavoured to shut, and actually did shut, and kept it closed against the soldiers, who endeavoured for some time in vain to get it open. It certainly did appear to him that the soldiers had a right to open and keep open this gate, and that the people had no right to shut it. The whole park was as much the King's property as his (the Coroner's) house was his property. The reason he said so was, that the King or his servants, and gate-keepers, closed the Park at night, and exercised an undisputed control over it, without their conduct in doing so ever having been objected to by any man, just in the same way as any of the Jurors could do with their house or warehouse, which they might open to whom they pleased, or from which they might gently push any improper intruder; and might, if he resisted them, use as much force as was absolutely necessary to expel such person. It appeared that on the Horse Guards requiring the people to open the gate, they were pelted with

stones, and the rest of the party in the procession shared nearly the same ill-usage. These soldiers who, without doubt, were some of the bravest, probably the bravest troops in the world, had been unexpectedly called out on a sudden, and could not therefore for a moment be imagined to be actuated by any preconcerted malice in their hearts or minds against this great concourse of people. The Jury would next have to consider whether there was any malice to be implied in this case, from the peculiar circumstances of it. He should, with a view to throw some light on this point, read them an extract or two, entitled "Umfreville's Duty of a Coroner." It stated, that envy, hatred, and malice, were each distinct passions in the human breast. The first shewed, that the party was grieved at another's happiness; the second was the disposition of a settled ill-mind; and the last was a passion of a dangerous and deadly nature, arising from a design preconcerted and afore-thought. This last implied a settled danger in one man against another, and a determination to revenge. This constituted malice in the legal sense, and took away by the Statute, the benefit of Clergy, making the party a felon, and liable to the penalty of death as a felon. Another worthier predecessor of his in the office he (the Coroner) now held, had laid it down as a rule on a celebrated occasion, that malice was accompanied by a wicked and depraved spirit, and a total disregard of social duty.

These were the limits of the indulgence which the law allowed to human frailty. Was it to be imagined that those men, who were some of the best and bravest soldiers in the world, should come with depraved hearts on an occasion like this to commit—what? Murder! It was impossible to imagine it. They had been brought out to preserve the peace in the first instance, not to be the first to break it; and their conduct, as recorded in evidence by a naval officer, who had been examined, and was eye-witness to a great part of the exasperating treatment these brave men experienced, reflected the greatest credit on the corps, and the highest honour on themselves. This gentleman spoke to their being attacked most violently in the Park, and that they only drew themselves up on the side of the way to get more out of the reach of the stones that were flung at them. When they came to the obstruction of the gate, two of the soldiers only were sent forward to clear the road. Why were there not more sent, if they had predetermined to do mischief? At this period it appeared no other mischief had occurred but that of one man's coat in the crowd being dirtied. The soldiers were hooted and hissed, it were said; words broke no bones, but stones did. And after the attack by the stones commenced, the result was not surprising, when it was recollected that they had the feelings of men. The Guards rode at the people to compel them to give way,

as had been detailed by a man named Alexander, who said that he himself ran down an alley or "cul de sac," closed at the other extremity, where he must have been at the mercy of the dragoon, if he humanely had not suffered him to continue unmolested—a forbearance which had so little effect on this witness, that he came on again with the crowd until a second charge was made on them, when he again secured himself by merely getting under the shelter of an hackney-coach. At the third period of his evidence, this man appeared to have been close alongside of the person whose death they had now to enquire into. These circumstances strongly went to prove that all they wished to do was to disperse the crowd, and the Jury had often witnessed what they could do by the great docility of their horses, whom they kept prancing about to keep open the road. If mischief had been resolved on where there were one hundred mounted horses, should they not have heard of more than an umbrella cut, a hat cut, a man knocked down, previously to their being compelled, in the last resort, to fire their pistols? Yet what was the result of this attack made on men who were guilty of no other violence than that just described; for it is to be observed, that as soon as the soldiers fired, the people ran away, and ceased to attack them; so that before they fired at all, thirty-seven soldiers were injured or wounded, so far as to be subjects for the hos-

pital, with eight horses. This, therefore, could be no slight attack from its consequences. The moment the soldiers began to fire, the people retreated. Much had been said about the Riot Act being read, and a great mistake prevailed on this subject. The reading of the Riot Act neither entitled the soldiers to fire on the people, nor the people to pelt the soldiers for an hour. It only gave to the soldiers a right to apprehend offenders, not to fire on them. But here the case was altogether of a widely different nature. An attack of a most ferocious nature had been commenced on the soldiers, which they had endured with great forbearance for some time, until ill usage had exasperated them. They were not to stand to be thrown at and ill-used like game-cocks tied to a stake at Shrovetide. They had the common right of all mankind to defend themselves from the brutal attack thus made on men who were brought there to discharge a very unpleasant duty, no doubt very much against the will of many of them. Having said so much on this part of the case, it would next come to the Jury to consider if there was any satisfactory evidence as to who fired the shot which proved fatal; if, however, they got so far as to determine this point, they had next to consider the circumstances by which this conduct had been qualified. He trusted they would conscientiously consider their verdict, laying their hands on their hearts, as deciding a case of the greatest import-

ance between the persons implicated and society. If they did this in the true spirit of men, actuated by the most liberal motives, he had no hesitation in saying, they must come to a verdict of Justifiable Homicide.

A conversation now arose between the Jurors, as to the expediency of proceeding to their verdict. It being then only ten, Mr. Green said, he should prefer having the business proceeded in. He was ready to wait four hours, if less would not do, though he thought from what had happened in conversation in the morning, they might be able to come comfortably to a verdict. Indeed, an hour would, in his mind, be as good as three or four to make up one's mind, at least so he thought. Mr. Spicer was for dispatch. Mr. Gale and Blakie strongly objected to deciding the question then, it could be done so much better and more comfortably the next day. The Coroner objected to breaking into another day, as he was engaged in the morning. It was finally agreed to adjourn until 11 o'clock to-morrow.

14th Day, Wednesday, Sept. 12.—Shortly after eleven o'clock, the Jury assembled, and having answered to their names,—

The Foreman requested the Coroner to leave the room, as the Jury were now satisfied that they had heard sufficient evidence to enable them to come to a verdict.

The Coroner retired to the Hyde Park Hotel.

No strangers were admitted, and the Jury deliberated from twenty minutes to twelve until a quarter before six o'clock, when they signified to the officer that they wished to see the Coroner, who having immediately attended,

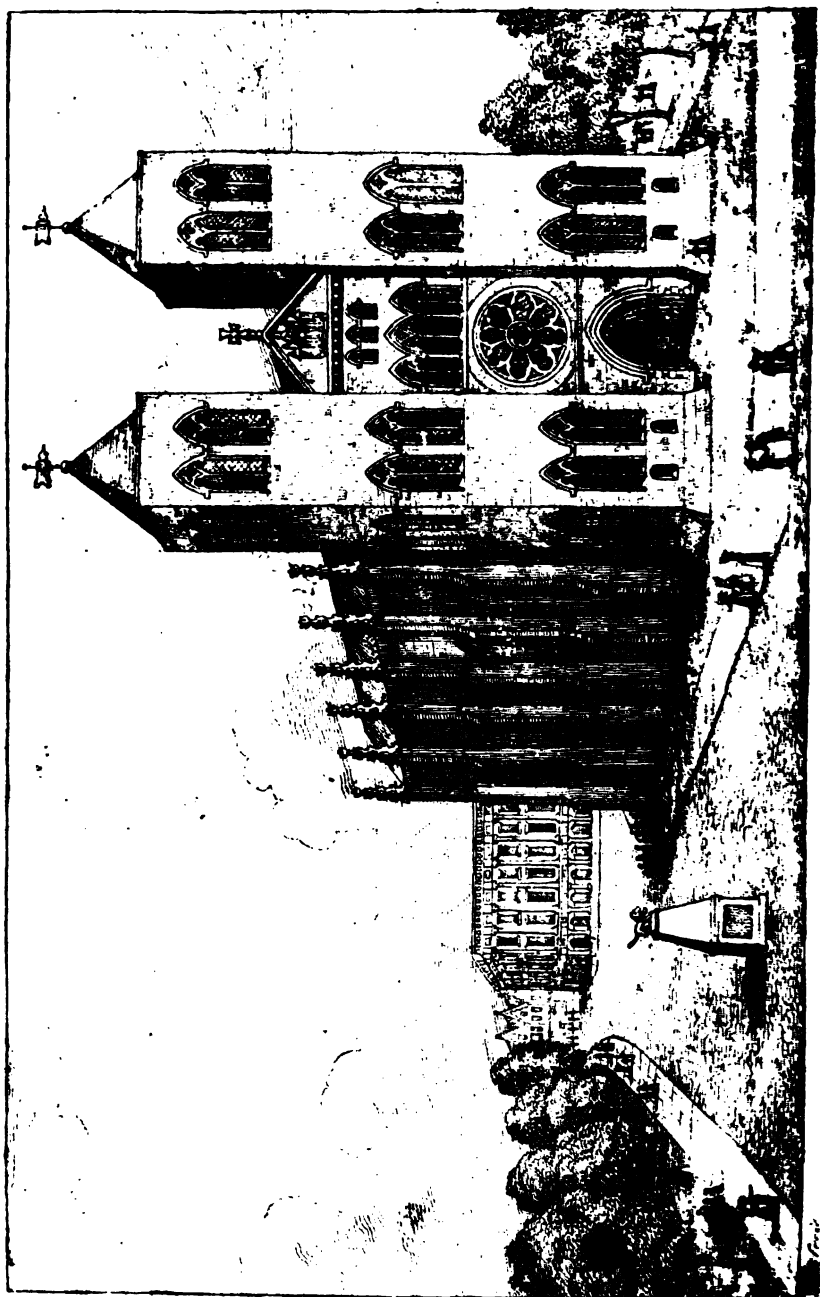
The Foreman informed him that the Jury had agreed to the following verdict :—

“ Manslaughter against the officers and soldiers of the 1st regiment of Life Guards, who were on duty between Tyburn-gate and Park-lane, on Tuesday the 14th of August, at the time when Richard Honey was shot.”

We have thus given, at considerable detail, the substance of the proceedings, and result of the two Inquests on the unfortunate victims of military violence, on this memorable and awful occasion ; aware that by a comparison of the various and conflicting testimony adduced, our readers would be best enabled to form a dispassionate and just opinion of the real merits of the case.

FINAL INTERMENT OF THE QUEEN'S REMAINS.

The squadron conveying the Queen's remains reached Cuxhaven on Sunday, August 19th. As soon as the Glasgow anchored in the harbour, preparations were made for transferring the royal remains from that frigate; which could not navigate the Elbe, to the Gannet sloop of war. On the 20th in the afternoon, they were landed



at Stade, under a discharge of cannon. The body was deposited in the church. The authorities, both civil, military, and ecclesiastic, paid the last mournful honours with the greatest zeal and respect. The inhabitants at large were greatly affected. The Germans are a benevolent race of people : they recollected that an illustrious female, a native of their own country, had a few years before passed through their town, on her way to bridal felicity and royal splendour ; they now beheld her sad remains carried up the very steps which she had once descended in the glow of health, of youth, and beauty ; and these recollections produced the strongest emotions of sympathy and heart-felt sorrow.

The funeral procession left Stade early on the morning of Tuesday the 21st August, and on Friday night, the 24th, it arrived at the outer barrier of Brunswick about ten o'clock. In the various towns on the route, the greatest and deepest sorrow was manifested. The Magistrates and citizens walked bareheaded before the cavalcade, and a number of young girls, dressed in white, strewed flowers before the hearse. Each night, the coffin was placed in a church. A military escort was in constant attendance. Before the arrival at Brunswick, the Count Aldenslaben, Grand Chamberlain of the Court, joined ; and he stated, that it was the invariable custom of the Dukes of Brunswick to bury at night ; and that his orders were, that the

interment should take place immediately. Lord Hood and Dr. Lushington protested, but the Count said his instructions were peremptory; and indeed he seemed disposed to pay every respect.

Between the outer and inner barriers of Brunswick, the scene was very magnificent. The whole population (forty-thousand) were on the alert: the sides of the road were lined with a dense mass of people, the front lines of which carried torches; and from the double rows of willows on each side of the road were suspended lamps of various colours, green, red, and yellow. While the procession halted a little, it was intimated, that the inhabitants urgently requested that a deputation of respectable persons might be permitted to draw the body. After some murmuring from Sir George Nayler, it was acceded to; the coffin was placed in a magnificent funeral car, to which about a hundred Brunswickers yoked themselves. The military escort now consisted of two hundred of the Black regiment of Brunswickers, who had fought at Waterloo under the late Queen's brother. The procession reached the inner barrier as the clock struck twelve; and here all the attendants, except Sir George Nayler, left the carriages. The houses of Brunswick were completely illuminated; the windows were crowded with women, none of whom mixed in the crowd in the streets. A thousand torches were borne by the people, who preserved the most

solemn and affecting silence. The women sobbed audibly. At the porch of the church, the Minister and the Municipality stood ready to receive the body: the coffin was lifted from the car, and carried by sixteen serjeants of the Brunswick cavalry, while sixteen majors bore the pall. The lofty columns and long aisles, hung with black, had an appearance of melancholy grandeur. Owing to positive orders from the mysterious quarter, no service, not even a funeral chant, was performed; on the pretence, that as the Queen had died abroad, the ceremony at Brunswick was merely depositing the body in the vault. As the corpse passed along the aisle, a hundred young ladies of the first families in Brunswick, dressed in white, stood on each side and scattered flowers before it. In a few seconds the coffin and the mourners had all arrived in the family vault of the illustrious house of Brunswick. A space about seven yards square was separated from the rest by hangings of black cloth, and illuminated with wax lights. In the middle of this section stood a platform, raised about two feet from the ground: on one side stood the coffin of the gallant father of the Queen, at the foot was the coffin of her gallant brother, both heroes slain in battle when fighting against the tyranny of Buonaparte; and here, in this appropriate spot, was now deposited one as brave as the bravest of her race.

When the mourners were all arranged in the

vault, the Minister, whose name was J. W. G. Wolff, preacher at the Cathedral Church, a mild and sensible-looking man, about sixty years of age, stood at the head of the coffin, and, in a voice tremulous with emotion, uttered a prayer in the German language, of which the following is a translation :—

THE PRAYER.

“ Transient is our life, perishable all fortune and glory of the earth ! Thus, All-wise God, thou hast ordained it ! But in death are terminated all the hardships, troubles, and sufferings that attend the life of man in this state of imperfection. Not in this world, where we are strangers, where we live in a constant struggle with adversities and our own infirmities,—no, only in that to come, for which thou hast created our immortal spirit, do we find the desired felicity, and purer, untroubled, unperishable joys. Penetrated even in the inmost recesses of our hearts by this solemn and consoling truth, we elevate with pious devotion our hearts to thee, the Infinite One ! in this sacred place, and at the coffin of a Deceased, whom thy All-wise will once destined for a terrestrial throne, and now, after a rare change of destiny, hast called into the land of eternal peace. With hearts deeply affected do we view the burying-place of this descendant of a beloved and princely family. Thou, her benign Creator, didst adorn her with high advantages of mind and body, and didst bestow

upon her a heart full of clemency and benignity. Thy providence placed her where she could and was resolved to do much good, to the honour of her high family, and for the weal of the country whose princess she was. Unsearchable, O Eternal, are thy ways ! After a transient and troublesome life, she has now finished her earthly career, and her unanimated body returns to the vault where her ever-memorable father, her brother, her relations, are resting.

“ Almighty God ! with elevated hearts we glorify thy grace for all the benefits thou hast given to the deceased during her life, and we infinitely revere thy wisdom in the present termination of her severe trials ; whereby, after thy most benign intention, she should be purified of human infirmities, and be prepared for a better life. Thanks to thee for the comfort thou hast richly granted her in her last hours ; thanks for the great strength thou didst inspire her with, both in her life and in her last moments, to a patient and courageous endurance of her sufferings and grievances ; thanks for the hopes strengthened in her soul, wherewith, full of desire and serenity and faith, she passed from a mortal to an immortal life. Now may her released soul enjoy the peaceful and blissful tranquillity which this imperfect world cannot grant ! and may thy grace, thou all just and most righteous Lord, recompense her in that state of perfection for what was but deficient

here on earth ! But to us let her ever-memorable remembrance be a moving and beneficial lesson, thus to believe, thus to hope, thus to live, that we may once courageously pass over to the life of just requital. And now, most gracious God, preserve likewise to us graciously the remaining most beloved members of our princely family, for our joy and for the welfare of our country, and attend their days with thy richest blessing ! Grant our most pious wishes ! Amen."

While the Minister was uttering this beautiful and pathetic prayer, all were deeply affected: the military did not disdain to express their emotions in an audible manner, and several times we saw the Great Chamberlain wipe away the tears from his fine manly countenance. As to the immediate mourners, including the servants of the Queen's household, we never saw more unequivocal and unaffected sorrow. When the prayer was finished, and before the mourners left the vault, the hundred young ladies were admitted, and formed a large circle round the platform: they strewed flowers on the floor, and then having prepared some wreaths, arranged them in different forms on the coffin: they then knelt down, uttered a short prayer, and retired amidst the tears and sobs of the company. Even Sir G. Nayler was visibly affected by this beautiful and pathetic incident. The funeral was over about two, and in less than half an hour the streets were

completely empty, and all was as silent as the tomb to which the Queen had just been solemnly consigned.

Among the English present, were Lord and Lady Hood, Lady Ann Hamilton, Dr. and Mrs. Lushington, Mr. and Mrs. Wilde, Alderman Wood and his son, the Rev. T. Wood, Mr. Hownam, and Mr. Wilson (son of Sir Robert.) Among the foreigners, Count Vassali and Captain Hesse. Mr. Austin and the Household were also present.

It is right to mention, that the executors applied at Brunswick, before the funeral, to Mr. Calvert, to restore the plate which had been taken off the Queen's coffin at Colchester; and that Mr. Calvert answered, that he conceived himself to be without authority to comply with their request. After the funeral the executors made a second application, but we believe without success: it was, however, clearly understood, that if the plate should be restored, the actual authorities at Brunswick would offer no opposition to its being placed on the coffin.

WE shall here present our readers with a
MONODY on the death of Her **MAJESTY**, written
by one of the most distinguished Poets of the
present day, expressly for this publication.

MONODY

TO THE MEMORY OF

HER LATE MOST GRACIOUS MAJESTY,

CAROLINE

QUEEN OF ENGLAND.

DEDICATED BY PERMISSION

TO THE RIGHT HONOURABLE JOHN THOMAS THORP,

LATE LORD MAYOR OF THE CITY OF LONDON.

LONDON:

Published by JONES & Co. 3, Warwick-Square.

1821.

TO
THE PATRIOTIC CHIEF MAGISTRATE,
THE PROTECTOR OF THE RIGHTS OF HIS FELLOW CITIZENS,
THE ENEMY OF OPPRESSION,
AND
FIRM FRIEND OF LATE SUFFERING INNOCENCE,
The Right Honourable
JOHN THOMAS THORP,
LORD MAYOR OF THE CITY OF LONDON,
THIS MONODY,
SACRED TO THE MEMORY OF
THE VICTIM OF PERSECUTION,
CAROLINE of BRUNSWICK,
THE INJURED QUEEN OF ENGLAND!

IS RESPECTFULLY INSCRIBED BY

HIS LORDSHIP'S

MOST OBEDIENT AND

OBLIGED HUMBLE SERVANT,

THE AUTHOR.

MONODY.

SPIRIT of bliss ! thy suff'rings to atone,
Whom Heav'n has claim'd in mercy as her own !
Queen of an Empire's love ! lamented shade !
Magnanimous of soul ! whose heart essay'd,
Even to the last, with fortitude to bear
Of life's calamities a dreadful share ;—
Past are thy griefs, and vain the regal frown
That lately spurn'd thee from an earthly crown ;
Kings must their transient diadems resign,—
The crown of Immortality is thine !
Brunswick's great daughter, noblest of the race,
Has gain'd from calumny a resting-place—
The grave ! glad prospect to the mind distress !
Where blended lie th' oppressor and th' oppress !
Faded in death, shall then the tomb consign
To cold oblivion Her of royal line,
Of soul exalted and of worth rever'd,
To all of gen'rous sympathy endear'd ?—
Past to a distant land her humble bier,
Shall British feeling shed a transient tear,
Forgot when shed, and cold Indiff'rence close
All record else of long protracted woes ?—
O, no ! the wrongs of **CAROLINE** shall live
In mem'ry still, and future times shall give

The damning truth of ruthless hate, to stain
With obloquy the Fourth King George's reign !
Shall give to history the appalling page,
Where shameless power descended to engage
The scum of Italy, a miscreant tribe
Of pliant villains, bought by lavish bribe,
Reckless of oaths, suborn'd against the life
Of Her, a Monarch's persecuted Wife !—

Britons !—a triumph deathless in renown
Was destin'd, thence, your noble zeal to crown !
Firmly united in the sacred cause
Of suff'ring worth, and truth's insulted laws,
Your uprais'd voice, resounding o'er the land,
The parasitical and venal band
Appall'd of sycophants, who thence resign'd
The deed to which their servile souls inclin'd,
Of casting foul dishonour on their Queen,
And clos'd, discomfited, the graceless scene !

What then remain'd, relinquish'd when their aim,
What but in justice to concede the claim
Of England's Queen to ev'ry legal right ?—
But no ! premeditated scorn and slight,
The royal contumely, the vassal frown,
Were cast on Her the partner of a crown !

Who can forget, in youth and beauty's pride
When first to England came the stranger Bride,
Anticipated happiness to prove,
And meet the ardour of a Prince's love ?—
Who can forget the animated scene,
When countless thousands hail'd their future Queen ;

And hope presag'd, unmingled with alloy,
Succeeding years of fond connubial joy?

But "hope of happiness on earth is vain!"—
To him who then had breath'd the sombre strain
Of bliss perverted, and impending gloom,—

"Hence!" we had said, "false Aug'rer, nor presume

"On this auspicious union thus to throw

"The idle phantasy of future wo!—

"Hence boding fear! shall evil then betide

"The Prince's choice, his Cousin and his Bride?—

"Forbid it gratitude! forbid it love!

"That she, who came affection's bliss to prove,

"Yielding her fate of weal or wo for life

"To Britain's Prince, shall wail the name of Wife!

"Hence, boding fear! the impatient Bridegroom
waits,

"Lead on the Bride then to the palace gates;—

"No stranger fair one needs to feel alarms

"Who comes to fill a British Prince's arms!"

Ill-fated Princess! most disastrous hour!

The adverse clouds of desolation lour!

Scarce her first course the lunar orb had pass'd,

The while, 'tis said, that wedded bliss may last;

When cold indiff'rence to the Bridegroom came,

And quench'd at once the hymeneal flame!

Driven then from splendid to secluded life,

An unprotected widow, yet a wife!

From country, parents, friendship, all exil'd,

Abandon'd, and by ruffian tongues revil'd!

Can aught be found, of cruelty refin'd,

More keenly still to agonize her mind?

Yes!—from her circling arms the charm withdraw
To mothers given “by nature’s kindly law;”—
Tear from her fond embrace her darling Child,
Nor heed her anguish, nor her ravings wild!
'Tis done!—is aught of stern oppression left?
Yes!—though of ev’ry earthly stay bereft,
Relentless malice on the victim throws,
In deeper shade, accumulated woes!
Aims at her life by slander’s perjur’d tale,
And when by Providence decreed to fail
Each venom’d shaft, yet enmity extends,
The suff’rer spurns, and perjur’d host defends!

Though British feeling with her woes accords,
No safety British government affords!—
Behold her then in many a distant land,
With soul of sympathy and manner bland,
The Royal wand’rer ev’ry bliss fulfil,—
Prone to reduce the sum of human ill!—
Even then, to acts of charity while given,
Malice pursues the Almonress of heaven!
Steals on the privacy of Cosmo’s lake,
And, bent each dark and villain course to take,
Suborns the pliancy of wretched spies,
And each vile deed of foulest import plies,
The persecuted Princess to annoy,
To insult, harass, injure and destroy!—

Again triumphantly the ordeal pass’d,
Shall suff’ring merit find repose at last?—
O, no! even then in equity’s despite
Was England’s Queen excluded regal right!

Assail'd by vip'rous slander amply paid,
Against acknowledged innocence array'd,
The scowling eye and supercilious frown
Cast on the legal partner of a crown!—

With no one royal dignity supplied!
To no sustaining relative allied!
Aliens in blood her faithful band compose,
But not a kindred friend to soothe her woes!
For woes she felt,—yet still each bitter pain
She breath'd in secret, scorning to complain!
Conceal'd the grief that prey'd upon her heart!
With superhuman strength sustain'd the part
Of silent martyrdom, and bore the strife
Calmly, 'twixt mental agony and life!

One insult more, exceeding all the past,
Remain'd, indelible disgrace to cast
On England's records.—When the injur'd Queen
Demanding entrance at the gates was seen
First of the hall, and next the sacred fane,
Not merely Brunswick's daughter sued in vain,
But degradation of the deepest shade
Was plann'd, her noble spirit to invade!
To burst her heart with agonizing throes,—
The fatal climax of protracted woes!

Credulity, in each succeeding age,
Will pause, perusing the historic page,
The infamous, appalling fact, where seen
Of matchless insult to an empire's Queen!
Prone to believe, will yet withhold belief,
That He, of polish'd courtesy the chief

Reputed of the land, as first in state,
The Coronation rites with heart elate
Received, in all the gorgeous pomp of pride,
While base-born hinds were hired to deride
His Queen, the noblest of the Brunswick line !
And even on ruthless malice to refine
Appoint a ruffian-pugilist to wait,
And spurn th' illustrious Suff'rer from the gate !
Lost the poor Queen the while, in wild amaze,
Of incoherent mind and vacant gaze,
Seen from her eye th' unconscious tears to roll,
That spoke the dreadful anguish of her soul !—

'Twas *this* that CAROLINE's high spirit broke !
'Twas *then* that first she yielded to the stroke
Of fate,—for from that lamentable hour
Faded the hitherto sustaining power
Of fortitude,—and waning fast away
Thence sunk her frame in premature decay !—

“ Destroy'd at last !” the dying Queen exclaim'd,
“ Yet I forgive them ! let it not be nam'd
“ That Caroline the injured shall depart
“ Surcharg'd with enmity her broken heart !—
“ Freely by me my enemies forgiven,
“ Like pardon may they find from gracious heaven !
“ Adieu, for ever then, both friends and foes !
“ With *these* my peace, my latest love with *those* ;
“ Gladly I die, to Heav'n's decree resign'd,
“ In harmony with all of human kind.”
So past the spirit from its kindred clay,
To the pure regions of eternal day !—

Lamented shade ! we hail the tranquil close
Of life, that terminated all thy woes !—
The magnanimity, that gave thee power
To meet, undauntedly, each trying hour !—
Thy firm resolve, thy energetic mind,
Potent, exalted, dignified, refin'd !—
These still a bright example shall supply,
How best to nobly live, and greatly die !

Queen of our love ! while Britain's genius weeps,
And o'er thy urn her wakeful vigils keeps ;—
An Empire mourns thy loss with fervent zeal,
And while a British heart is prone to feel
Oppression's wrongs, and injuries unredress'd,
The lot severe of CAROLINE th' oppress'd,
Humanity's warm sympathy shall claim,
While time exists and memory boasts a name !

Malice in death pursued the sainted Queen !—
Even at her last sad obsequies was seen
The force unsanctified, of ruthless power
To stain with butchery the solemn hour !—
Yet though intent his royal Master's will
Each hireling minion amply to fulfil,—
In privacy, ignoble and unjust,
To bear, by route remote, the hallow'd dust
Of England's Queen, far from the fervent tear
Of congregated mourning on her bier
Who waited, one last farweller gaze to cast,
For ever from a sorrowing land as pass'd
The cold remains of Her, their pride of late,
The victim now of unrelenting hate !—

Yet strove the venal slaves of power 'in vain,
The gen'rous, active feelings to restrain
Of countless thousands, whose united force
Gave to publicity the funeral course;
Achiev'd each wish, and obloquy remov'd
From Her in death thus honour'd and belov'd!

And honour'd and belov'd, 'tis Heaven's decree,
That CAROLINE of Brunswick still shall be!
Her name shall live in History's future page,
Sustain'd her worth to Time's remotest age!

And Britons yet unborn shall consecrate
With tears of sympathy, her hapless fate!
While many a pilgrim, by devotion led,
The shrine shall visit of the Brunswick dead,
And musing, in the solitude of woe,

As fast the tears of heartfelt sorrow flow,
Will say,—“ Here lies of Her the last remains
“ Whose fate unjust an Empire's annals stains;
“ In life magnanimous, in death serene,
“ Brunswick's lost daughter, England's injur'd
“ Queen!”

ON Saturday, the 25th of August, an application was made to the Clergyman of the cathedral church, by the Executors of the late Queen, requesting him to preach a funeral sermon on the Sunday. The reverend gentleman answered the application, by stating, that he could not do so without an order from M——, one of the ministers. The Executors immediately proceeded to the residence of that minister, for the purpose of soliciting—not his interference, for that they thought would be unnecessary, but—his permission, which was declared to be indispensable. They were so unlucky as not to find him at home, and they heard afterwards he was dining with Sir George Nayler and Mr. Calvert. They paid him a second visit, and succeeded in obtaining an interview. He received them very coolly, and, indeed, scarcely showed them common civility. As soon as they had mentioned the object of their visit, he abruptly answered, that he could give no order, as it was not usual to preach funeral sermons in cases where an address was made by the minister at the time of interment. He was reminded, that a funeral sermon had been preached on the late Duke, notwithstanding a previous address. “That,” he sharply answered, “was because he was the reigning Prince;” adding, “I am answerable for my conduct, not to the Executors, but to the Regency, and I shall give no

order on the subject." This uncourteous refusal was given by the minister walking with a hurried step about the room, and the Executors saw it was vain to oppose arguments to his sovereign decision. Had there been any probability that reasoning would produce any effect, they could have stated, that a funeral sermon, after a previous address, was not only preached on the late reigning Duke, but on another brother of the Queen, who died a few months before, and who, so far from possessing any power, was blind, and almost an idiot. Notwithstanding the conduct on the part of the Government, Mr. Wolff, on the succeeding Sunday, concluded his address to a crowded audience, (assembled in expectation of a funeral sermon,) by the following tribute to the memory of her late Majesty.

" We too, dear fellow-eitizens, have been so happy as to have Sovereigns who revered religion, and in our Princely family we were always edified with the spectacle of an enlightened piety. We frequently saw its members worshipping God in our sacred congregations. They joined as fellow believers, and gave us an endearing example of true devotion and pious zeal. And what a beneficial influence had this on our attachment to them, and on their behaviour towards us ! sincere piety made our Princes just Sovereigns, lovers of mankind, patterns of gentleness and benevolence.

“ Here I may be allowed to make mention of the high deceased, whose earthly remains we all lately followed to that vault. She is still deeply impressed in your memory, and your looks lead me to speak again of Her whom your hearts lament. She too, the daughter of the venerable Charles William Ferdinand, was an enlightened and warm votary of religion. Before I filled the situation which I now hold, she was from her tender infancy instructed in Christianity by a worthy teacher, and solemnly confirmed in it. Her quick understanding eagerly received every ray of divine truth, and her warm heart and lively feelings were excited and elevated by piety. Her sense of religion increased to a confirmed faith, and she resolutely resolved to exercise the duties which it enjoined. Pious occupations were dear to her heart. I knew her as an enlightened Christian before she left the country of her birth. She first received from my hands with pious emotion the Holy Supper of our Lord, and the solemnity of her manner was, like her previous devotions, an unsuspected proof of her sincere faith and pious feeling. She was thus qualified for her destination to become Queen of a noble nation, distinguished by its religious zeal, and its sacred regard to the days dedicated to God. This sense of religion, it is true, did not always preserve her from infirmities and errors ; but where is the mortal, where has there been a saint, who has been always perfect ? And he

who erred less may conscientiously ask himself, whether he owes it to himself, or to his more fortunate situation, and the undeserved grace of God. Let us not forget the good with which religion endowed her understanding and her heart, evincing itself in her disposition and behaviour. Her distinguished benevolence, her affability, her unbounded desire to protect mankind, her love of righteousness, her generosity, and her forgiving disposition—these sublime virtues of the Christian have always been allowed her; and the strength of her religion appeared especially in her last trying days. You yourselves, my brethren, have read the description of her earthly end. You know, then, with what resignation and courage she bore her last severe sufferings—how she refrained from every complaint—what touching proofs of the meekness of her heart she gave in her last moments—how she exhibited every virtue of a Christian—with what holy and confident hope she passed from this world to eternity.

“ May God’s eternal peace rest on her glorified spirit, and comfort her, after the endurance of her earthly woes, with the joys of salvation ! ”

Lord and Lady Hood, Lady Anne Hamilton, Alderman Wood, and the other friends of her late Majesty, with most of her household, attended divine service on this solemn and affecting occasion.

In an interview which Mr. Wolff had on the preceding day, with the Executors, Dr. Lushington and Mr. Wilde, he spoke of the late Queen in terms of almost paternal affection. This venerable man had been her early religious instructor, and he mentioned the amiable qualities she displayed in her infancy and youth, in terms of the highest eulogium. He said, "When she last visited Brunswick (in 1814,) immediately on her arrival she sent for me, and she received me with such affection, and with an artlessness of manners so peculiarly her own, that I could not help throwing myself upon my knees at her feet, and blessing God, that, though so many years had elapsed, and her outward circumstances were so materially changed, she was yet the creature of that endearing simplicity that so much delighted me in her early years," The good old man was affected even to tears during his narration.

Many of the most respectable inhabitants of the place were in mourning; but numbers were deterred, much against their inclination, from the fear of offending the higher authorities. It was confidently asserted, that the most positive instructions had been issued by the Government prohibiting these external marks of respect.

On Saturday morning it was rumoured that the younger part of the population of the town intended, as a mark of respect, to assemble the following evening before the Hotel d'Angleterre, with torches and bands of music, to serenade the

distinguished friends of their late illustrious Princess; a mode of expressing public approbation very common in Germany. It was, however, thought proper to prevent it; and in consequence, an order was sent round to the merchants and tradesmen, not to suffer their clerks and apprentices to leave the house; and the police were instructed to prevent the carrying of lights or the playing of music. Thus far the design was frustrated; but about eleven o'clock several hundreds of most respectably dressed individuals assembled before the hotel, and called for Lord Hood, Dr. Lushington, Alderman Wood, &c.; and on the appearance of those gentlemen, and likewise the Ladies Hood and Hamilton, they rent the air with their acclamations. They continued there till considerably after twelve o'clock, and then separated with the utmost order. Although they were disappointed in the principal part of their object, yet no disposition to irregularity was manifested. They seemed to be determined to make full amends for the absence of music, by the length and vehemence of their applause. In England that such a public demonstration of popular feelings should be prevented taking place on a Sunday, might be accounted for on the ground of usage and religious considerations; but it was impossible that at Brunswick that could have been the cause. The theatre, and all the places of public amusement, are opened there on Sun-

day ; nor is it the custom of closing the shops even during the time of divine service.

Much bustle was manifested on Monday morning at an early hour before the Hotel d'Angleterre, and a considerable concourse of people arrived, and there took their stations. About half-past eight a carriage drew up to the door, and two interesting little girls, dressed in the costume of the flower girls that attended the funeral (white frocks, black sashes, and crape round their heads,) alighted and inquired for Lady Anne Hamilton. They were shortly after introduced to her Ladyship, and presented to her a most pleasing Address from themselves and companions, of which the following is a translation :

“ To Lady Anne Hamilton, now in Brunswick.

“ Madam,—At the grave of Her Majesty, the late much honoured Queen, we expressed the sentiment of our deepest affliction ; and now we wish to give our most sincere thanks likewise to you, for the affectionate love and attachment you always even in the most difficult situations, showed to her deceased Majesty.

“ May God recompense you and all the faithful male and female servants of the late Queen for this universally admired fidelity.”

Her Ladyship was highly gratified with this simple and affectionate Address, and detained her young friends with her a considerable time. On parting with them she gave to each some small present that had been the property of her late Majesty, and with which they were delighted

beyond bounds. It should be observed that the young females who acted as flower girls, were the daughters of some of the most opulent merchants and tradesmen in Brunswick.

Shortly after nine o'clock a Deputation from the Citizens and Inhabitants of Brunswick, consisting of about thirty Gentlemen, all dressed in deep mourning, arrived at the hotel. They were soon after introduced to Lord Hood's apartments, where they were received by his Lordship, the Ladies, and other principal personages in the suite. One of the Gentlemen of the Deputation then stepped forward, and read in English the following Address :

" To Lord and Lady Hood, Lady Anne Hamilton, Dr. Lushington, and other distinguished friends of her late Most Gracious Majesty, Caroline Queen of England.

" My Lord, Ladies, and Gentlemen,—The Citizens of Brunswick who have requested the honour of waiting upon you, beg leave to assure you, that our hearts are penetrated with sentiments of the deepest gratitude for the attachment and esteem you have at all times shown to Her Majesty the late Queen of England and Princess of Brunswick.

" Being greatly indebted to the Ducal House of Brunswick for numberless benefits, we venture to offer to you our most sincere thanks for that distinguished attachment which you have shown to Her Majesty, as a member of that illustrious House, and for the interest you have taken in her manifold disasters."

To which Lord Hood returned the following answer :

" Gentlemen,—Allow me to return you, in the name of myself and companions, our most sincere thanks for this flattering mark

of respect, and pleasing testimony of your approbation of our conduct to the late much lamented Queen of England and Princess of Brunswick.

“ We cannot but consider, that your attachment to that illustrious Lady has influenced you to confer upon us this unexpected honour ; an honour considerably increased in our estimation by such consideration. Suffer me again, Gentlemen, most sincerely to thank you for the flattering mode in which you have conveyed your sentiments, and to assure you that it will never be effaced from our recollection.”

His Lordship then introduced the Ladies and Gentlemen around him to the Members of the Deputation, who bowed and afterwards retired. They then proceeded to the apartment of Mr. Alderman Wood, to whom they in the same manner presented an Address, of which the following is a Copy :—

“ To M. Wood, Esq. Alderman, and Member of the British Parliament.

“ Sir,—A Deputation from the Inhabitants and Citizens of Brunswick, very much affected at the loss of their beloved Princess, the late Queen of England, desire to express their sensibility of the most active interest which you have kindly evinced for her welfare from the time of her last return to England till the melancholy end of her existence. Accept of our sincere thanks for the most noble attachment you have shown her.

“ As we hear that it is your intention so shortly to leave our town, we heartily wish you a safe return to your native country—the land of freedom and happiness.”

The worthy Alderman then addressed the Gentlemen of the Deputation in nearly the following words:—

“ Gentlemen,—I cannot find words to express the feelings with which I receive this public avowal of your approbation of my conduct to our late most gracious Queen and your illustrious Princess. In the corporation of London, of which I have the honour to be a member, I many years ago considered it my duty to move an address to that illustrious Lady the Princess of Wales. I did this contrary to the wishes of many of my friends with whom I was in the habit of acting, who were fearful of its success. It was, however, carried by a powerful majority, and it was followed by addresses from every part of Great Britain. From that time, my connexion with this great and unfortunate Lady has been more intimate; and on the death of his late most gracious Majesty, George III. I received from her several letters from the continent, intimating her determined resolution of proceeding immediately to England, and, regardless of consequences, to assert her claim to all the privileges of her high station; and stating the unpleasant situation in which she then found herself placed. In consequence, I hastened to her, and the noble magnanimity with which she spurned the offered bribe of 50,000*l.* a-year to remain from England, neither time nor circumstance can ever efface from my memory. Her only fear was, that compulsory measures would be adopted to hinder her proceeding. Nor were those fears allayed till she stepped on English ground. She was received with open arms by that great and generous people, who, under all her trials, remained her unshaken friends. She had enemies, it is true, and those enemies Englishmen: but I am persuaded that it would be difficult to find *one* of them whose judgment was not biassed by his interest. She is now, happily for herself, released from all the wretchedness to which she here was subject. The heavy afflictions she has borne are now for ever over; and although we, who enjoyed the honour of her intimacy, must long feel our irreparable loss, yet to her it is a happy release. She died, Gentlemen, as a Christian should die. The day before the one on which she breathed her last, when, on being removed from her bed to a chair, as I was standing by her side, she repeatedly and fervently declared that she forgave all

her enemies the cruelties that had brought her to the bed of death.

“ By the instructions that Government had thought proper to issue respecting her funeral, I was prohibited attending as a mourner from England. I therefore have travelled at my own expense, to pay this last tribute of respect to one I so highly revered.

“ For acting as I have done, I have been assailed with innumerable calumnies ; but while the illustrious deceased pleased to honour me with her confidence, nothing on earth should have induced me to have withdrawn from her any token of attachment that it was in my limited power to show.

“ I again, Gentlemen, return you my most sincere thanks for the pleasing testimony of your approbation of my public conduct; and likewise for your personal good wishes.”

The worthy Alderman, accompanied by his Son, the Rev. J. P. Wood, left Brunswick shortly after for Hanover, intending to proceed to England by the route of Holland and France. It was in contemplation, by the inhabitants of Brunswick, that these addresses should be presented by a far more numerous deputation, and in a style of much greater magnificence. But, from the decided part taken by the Court, prudence was so opposed to this inclination, that they were compelled to abandon their intention. Very numerous private messages were sent both to Lord Hood and Alderman Wood, from gentlemen of the first respectability, alleging what is here alluded to, as the only reason that prevented their paying their personal respects, and assuring them how deeply they commiserated the suffer-

ings of their late illustrious Princess, and honoured all her friends.

- The opinion of the Brunswickers, and indeed the opinion of the inhabitants of every part of Germany through which the persons travelled who attended the funeral, was exactly in unison with the popular feeling in England. They said that the reception given to the remains of Queen Caroline was a national disgrace: years would not wipe away the stain. They lamented exceedingly that their young Prince had not assumed the reins of government: it would not then, exclaimed they, have been so.

It was said, that it was not the intention of the Government to order the bells to toll, nor the places of public amusement to be closed. Popular indignation was, however, so loudly and so strongly expressed, that if orders to the contrary were contemplated, they were not enforced. The people, with an almost unanimous voice, declared that they would burst open the doors of the churches, and, at whatever peril, toll the bells; and an elderly gentleman, a merchant of considerable opulence in the town, conceiving that money would be an essential in effecting the public wishes, instantly put down the sum of 200 dollars. "I knew," said he, "the illustrious deceased in her infancy, and I have since venerated her sorrows; and nothing that I can do shall be wanting to give her remains a due reception in her native town."—

This testimonial of respect was the more sincere, as it was given by one, whom rumour reported to be not usually very liberal in the giving of money.

The following incident of rather a ludicrous nature occurred in the immediate vicinity of Brunswick. Two gentlemen (it was rumoured Englishmen attached to the Court) appeared in public in coloured clothes. The populace conceiving this to be a premeditated insult to the memory of the late Queen, surrounded them, and, without the least ceremony, upset them in the mud; they then very coolly told them that they now were in half-mourning, and were requested to go home and put on black. This had the desired effect, and these gentlemen afterwards always appeared in mourning.

The coffin, containing the remains of her late Majesty, continued on the bier; not intended to be deposited in a niche until some other member of the family should close his earthly career. It appears to be the custom for the last deceased to occupy that station—the remains of the late Duke were removed to make room for those of his royal sister. The flowers were, however, soon removed from the coffin, and remained scattered around the bier; and a wreath, suspended by a white riband, hung over its head.

“ Thus terminated ” (as an eloquent writer observes) “ the obsequies of Queen Caroline, and thus was consummated and perfected, as far as

the person and character of the late Queen were concerned, one of the most disgraceful and cruel persecutions that ever stained the page of history; not only the history of this country, but of that of any other part of the civilized world. A combination more compact—a conspiracy better concocted—a determination more resolute and persevering, to destroy the life and happiness of an innocent Queen was never before set on foot. Men exalted for their rank—dignified by their talents—revered for their supposed veneration of religion—and honoured and respected for their learning—men of all professions, and all degrees of station in respectable society—were here found combining with the lowest and vilest of their species—spies, informers, twilight eavesdroppers, and midnight prowlers, to “injure” and “destroy” one of the most exalted and noble-minded Princesses that ever gave brilliancy or dignity to a Court. This acknowledged “grace and ornament of society”—this Lady of a most benevolent heart, and enlarged understanding—this Christian in meekness—yet heroine in courage—this indefatigable pursuer of useful knowledge, and diffuser of happiness to all around her, fell a patient victim to the unceasing malice of her enemies.”

Among the numerous atrocious libels, of which her late Majesty had so long been the cruel victim, and which eventually broke down her fine

constitution, and hurried her prematurely to the grave ; none perhaps could exceed in gross diabolical malignity, and shameless audacity, that of the *Reverend* Liverpool Clergyman, RICHARD BLACOW ; and as this may be considered a model of its kind, and such as, for the credit of human nature, we hope is not of very frequent recurrence, we shall here report the proceedings of the important trial, which took place at the Lancaster Assizes, on the 14th of September 1821, before Mr. Justice Holroyd and a Common Jury.

Rex v. Blacow, Clerk.

It was expected that this trial would have come on yesterday, and the Court in consequence was crowded to excess, especially with females. The same curiosity being rather increased than abated, great multitudes assembled at the doors of the Court before they were opened this morning. But previously to the opening of the public doors, every part of the Court, where any accommodation for sitting, or even for convenient standing and hearing could be found, was already occupied. The Reverend Defendant was among the first who took his seat immediately below the Crier, and directly opposite to the Jury. When the doors were opened the rush was tremendous, and in an instant every inch of standing room in the Court (the most spacious in the kingdom)

was occupied. At nine o'clock Mr. Justice Holroyd took his seat, and the Jury was sworn.

Mr. Tindal stated the pleadings. It was an indictment against the Rev. Richard Blacow, for a scandalous and malicious libel against the late Queen. The first count charged, that he had composed and preached the words charged as libellous; the second count charged, that he had composed and published the words in a pamphlet, entitled, "The Substance of a Discourse," &c.; the third count charged, that he had composed and published the words set forth in the indictment. The Defendant pleaded not guilty, upon which issue was joined.

Mr. Brougham.—May it please your Lordship, Gentlemen of the Jury—It is my painful duty to lay before you the particulars of this case, and it is yours to try it; and my part shall be performed in a very short time indeed, for I have little, if any thing, more to do, than merely to read—what I will not characterize by words of my own, but what I will leave to you, and may leave to every man whose mind is not perverted, to affix a proper description. I read to you what the Defendant composed and printed. You have heard from my learned friend,—and if you have any doubt, it will soon be removed—to whom the following passage applies. Of the Queen it is that the passage is written and printed.

"The term 'cowardly,' which they have now laid to my charge, I think you will do me the

justice to say, does not belong to me ; that feeling was never an inmate of my bosom ; neither when the Jacobins raged around us with all their fury ; nor in the present day of radical uproar and delusion. The latter, indeed, it must be allowed, have one feature about them even more hideous and disgusting than the Jacobins themselves. They fell down and worshipped the Goddess of Reason, a most respectable and decent sort of being."

And you know, Gentlemen, that she was a common prostitute taken from the stews of Paris.

" A most respectable and decent sort of being, compared with that which the Radicals have set up as the idol of *their* worship. They have elevated the Goddess of Lust on the pedestal of shame, an object of all others the most congenial to their taste, the most deserving of their homage, the most worthy of their adoration. After exhibiting her claims to their favour in two distant quarters of the globe, after compassing sea and land with her guilty paramour to gratify to the full her impure desires, and even polluting the Holy Sepulchre itself with her presence, to which she was carried in mock majesty astride upon an ass, she returned to this hallowed soil so hardened in sin, so bronzed with infamy, so callous to every feeling of decency or of shame, as to go on Sunday last—"

Here, gentlemen, the reverend' preacher alluded, not to the public procession to St. Paul's

to return thanks, or to other processions which might, partly at least, be considered as political, but to her late Majesty's humble, unaffected, pious devotion in the church of Hammersmith.

“ To go on Sunday last, clothed in the mantle of adultery, to kneel down at the altar of that God who is ‘ of purer eyes than to behold iniquity,’ when she ought rather to have stood barefooted in the aisle, covered with a sheet as white as ‘ unsunned snow,’ doing penance for her sins. Till this had been done, I would never have defiled my hands by placing the sacred symbols in hers : and this she would have been compelled to do in those good old days when church discipline was in its pristine vigour and activity.” •

Gentlemen, the author of this libel is a minister of the Gospel. The libel is a sermon;—the act of publication was preaching;—the place was his church;—the day was the sabbath;—the audience was his congregation. Far be it from me to treat lightly that office of which he wears the outward vestments, and which he by his conduct profanes. A pious, humble, inoffensive, charitable minister of the Gospel of peace is duly entitled to the tribute of affection and respect which is ever cheerfully bestowed. But I know no title to our affection or veneration which is possessed by a meddling, intriguing, turbulent priest, even when he chooses to separate his sacred office from his profane acts ; but far less when he mixes up both together—when he refrains not from entering the

sanctuary with calumny—when he not only invades the sacred circle of domestic life with the torch of slander, but enters the hallowed threshold of the temple, and casts it flaming on the altar—when he pollutes with rank calumnies the air which he especially is bound to preserve holy and pure—when he makes the worship of God the means of injuring his neighbour, and polluting the flock committed to his care. Of the Defendant's motives I say nothing. I care not what they were; for innocent they could not be. I care not whether he wished to pay court to some patron to look up to the bounty of power, or whether it was mere mischief and wickedness, or whether it was a union of interest with spite. But be his motives of a darker or lighter shade, innocent they cannot have been; and unless the passage I have read proceeded from innocency, it would be a libel on you to doubt that you will find it a libel. Of the illustrious and unfortunate individual who was the object of this attack, I forbear to speak. She is now removed from such low strife, and there is an end, with respect to her, of I cannot say chequered, for her life was one continued course of injustice, oppression, and animosity from all who either held or looked up to—all who either possessed or courted emolument and aggrandizement;—but the grave has closed over her unrelenting persecutions. Unrelenting I may well call them, for they have

not spared her ashes. The evil passions which beset her steps in life have not ceased to pursue her memory, and with a resentment more implacable than death. But it is yours to vindicate the insulted laws of your country. If your verdict will have no effect on the Defendant, if he still go on unrepenting and unabashed, it will at least teach others or deter them from violating the decency of the law. [It is impossible to convey an idea of the powerful solemnity of this address, or the irresistible impression it made on all who heard it.]

Mr. Thomas Burgland Johnson.—I am a printer at Liverpool. Mr. Blacow applied to me for printing of his sermon. That was the sermon now handed to me. During the time the printing was going on I saw him repeatedly. I delivered to him the proof sheets. I have one in my custody. It contains a few marks made by him. The word “crisis” is altered to “juncture.” It was delivered back with that alteration to me by Mr. Blacow. The sermon was afterwards printed by me. Mr. Blacow paid me for the printing.

By Mr. Blacow.—I do not know the instigators of this prosecution. I don’t know at whose expense it is carried on. I know Mr. Brougham. He offered himself a candidate for Liverpool some years ago.

Mr. Justice Holroyd.—What has that to do with your defence?

Mr. Blacow.—I wish to show that Mr. Brougham is connected with those in Liverpool who instigated the prosecution.

Mr. Justice Holroyd.—That is immaterial. Mr. Blacow bowed with great submission, and said he would do nothing which his lordship thought irregular.

Cross-examination continued.—Mr. Brougham is a member of the Concentric Society. I know Egerton Smith, the editor of the Liverpool Mercury, perfectly well. I have known him nine or ten years. His character and principles are perfectly well known to me.

Mr. Justice Holroyd.—That can have nothing to do with your defence.

Mr. Blacow.—My lord, I wish to show the spirit of the party in Liverpool with whom Mr. Brougham is connected.

Mr. Justice Holroyd.—If I allowed you to go into such inquiries, I should be guilty of perverting all justice.

Mr. Blacow.—My lord, I shall ask nothing which your lordship shall think irregular or improper.

Cross-examination continued.—When I was engaged in printing the sermon, you undoubtedly had frequent conversations with me respecting its principles and tendency. The substance of your motives, as you stated them, was to expose the views of the Whigs and Radicals. You never showed bitterness or hostility towards the Queen

on these occasions. You often expressed your regret that she had connected herself with a desperate faction in the state. You often lamented the danger to which the country was exposed from the intrigues of that faction, and the dread of its consequences. There was a procession in Liverpool a few days before your sermon was preached, in honour of what was called the Queen's triumphant acquittal. I was not near the procession. I cannot testify whether there was confusion and uproar in consequence.

Thomas Cogan.—I was present at the preaching of the sermon on the 26th of November, 1820, in St. Mark's. It was a Sunday evening's discourse. There was a numerous audience. I believe it is the church in which Mr. Blacow usually preaches. I never heard him but then. I took notes. I have not a note beginning with the term, "cowardly." I recollect the term being used. I have a note respecting the Jacobins worshipping the Goddess of Reason. I conceive the expressions used were, (as read by you,) "They fell down and worshipped the Goddess of Reason—a most respectable and decent sort of being, compared with that which the Radicals have set up, as the idol of their worship." I have not the very words, but I have the substance. I have the very expression—"They have elevated the Goddess of Lust," "an object of all others the most congenial to

their taste, the most deserving of their homage, and the most worthy of their adoration." I recollect the very words being used; but I did not take them down. I have the words down—"After compassing sea and land with her guilty paramour." I have the very expressions—"Even polluted the Holy Sepulchre with her presence," and "returning home hardened in sin and bronzed with infamy."

Mr. Blacow.—My Lord, is it right that the words should be read to the witness in this manner?

Mr. Justice Holroyd.—No; you may refresh the witness's memory, but not more. You may suggest the subject, and the regular way will be for him to read from his notes. I have these words, (witness read from notes) "Last Sunday she went clothed," &c.

Mr. Justice Holroyd.—You cannot support the first count, you cannot prove the tenour.

Mr. Tindal.—It is only the substance that is set forth.

Mr. Justice Holroyd.—Yes, but you must prove the tenour: you must prove the very words.

Mr. Tindal.—It is perfectly immaterial, my Lord; for the other counts are quite the same.

(Examination continued.)—I read the sermon, since printed, yesterday. I compared my notes with the sermon, and found a great portion word for word as I took it down, and the substance the same as I recollected him to have preached.

[Here a minute examination as to expression took place; and after some legal conversation, the first count charging the precise words preached was abandoned.]

Witness proceeded.—Without doubt the words applied to the Queen. I have not the least doubt of it.

By Mr. Blacow.—I am not in the habit of attending St. Mark's church. My motives in attending that evening were, that I had heard you intended to preach a sermon, the chief object of which was to animadvert upon the Queen. It was from curiosity I attended. I do not recollect any individual that communicated it to me. I believe it was generally talked of. I usually attend the Unitarian chapel, of which Mr. Harris is minister.

Mr. Justice Holroyd objected to the evidence.

Mr. Blacow.—Suppose I should show him to be an Atheist.

Mr. Justice Holroyd.—The time was before he was sworn. You cannot examine as to that, now he is upon his oath.

Mr. Blacow.—I am far from insinuating that the witness is an Atheist; I only supposed a case.

Mr. James Bunnell.—I was at St. Mark's one evening. I don't know the date. I heard Mr. Blacow preach. [The printed sermon was handed to the witness, and he was directed to look at the whole passage set forth.] I cannot swear this to be the passage, *verbatim et literatim*, that I heard;

but I believe this to be the sum and substance. Looking over the whole passage, I certainly did understand the words to apply to the Queen. I could not, by possibility, suppose that they applied to any other woman. I am still of that opinion.

By Mr. Blacow.—I am not in the habit of attending at St. Mark's. I heard you thrice, with that time. There was a procession, I think, before that day. I saw the procession pass down Castle-street. It principally consisted of mechanics, labourers, and others, of the town. There were at the head twenty or thirty gentlemen whom I knew, and whom I would call respectable. I cannot speak to the number, but I made the remark at the time that there were not above thirty whom I knew. I think, generally speaking, there were from 4,000 to 5,000. There were but thirty whom I knew; there might be many whom I did not know, who still might be very respectable; I wish to throw no reflection.

Was it not your impression that they were generally the lower orders; I mean the very lowest; the scum and rabble?—It certainly was a motley group, a very motley group, and there was not that portion of respectable persons that I saw at other processions. My Lord, I do not wish to be understood to adopt the words "scum and rabble." They were mechanics, and persons of that class, that might be very decent persons for any thing I know.

Mr. Brougham.—No, no; we know the words are not yours.

Re-examined.—The procession was very peaceable and well behaved.

Mr. Millar.—I purchased the printed sermon—that printed sermon, at the shop of Evans, Chegwynn, and Hall. It was exposed to sale there.

Mr. Cross, the Prothonotary, now read the passage set forth in the indictment, the Defendant's attorney comparing the indictment at the same time.

Mr. Blacow.—My Lord, there is a variation in the title.

The variation was, that the whole title was not set forth, at least, that the words, "and an appendix bearing on the radical question," were not added to the rest of the title, after the word entitled. His Lordship thought the objection immaterial; but the third count having no title set forth in it, it was read and compared, and no variance found.

Mr. Brougham.—That is my case.

Mr. Blacow.—It is my desire that the whole sermon should be read. I don't wish the notes, except perhaps one note.

Mr. Brougham.—If the whole sermon be read, I shall insist upon the notes being read.

Mr. Justice Holroyd.—Do you wish the whole discourse to be read, as bearing upon the charge against you, and material for your defence?

Mr. Blacow.—Yes, that is my desire.

Mr. Cross rose to his task, but it cannot be expected that we should give even the substance of this sermon of thirty pages, without one idea of sober reason, or one sentence of honest language. But two notes in one page, and attached to the subject of libel, as read in continuation by Mr. Cross, made such an impression on all who heard them, that they can never forget them.

(Note to "guilty paramour."—"See Juvenal's account, in his sixth satire, of Hippia's Journeyings in the self-same region of the world, by sea and land, with her paramour Sergius. But such parallels, it should seem, however opposite or striking, are not to be adduced, while the advocates of 'injured innocence' and 'unsullied purity,' feel no scruple whatever in holding up to public execration, as the very antetype of Nero himself, one, whose forbearance and generosity of character—whose great, noble, and truly magnanimous qualities, place him in the very first rank of Princes, who have adorned and dignified their exalted stations; and who, ever since the sceptre of power was lodged in his hands, has swayed it with so much honour to himself, such glory to his country, and such inestimable advantage to those who have the happiness to live under his mild and auspicious rule and governance."

(Note to "Mock-Majesty astride upon an ass")—

“ Enter Jerusalem on an ass,
 Then on the stage act Columbine ;
 Attend with Bergami at mass,
 Then to St. Paul’s—oh ! Caroline !!! ”

Mr. Cross got through the printed sermon in about an hour’s time.

Mr. Blacow next read a sermon in manuscript, which occupied about two hours and a half. The jury having heard the whole of that discourse, he would now proceed to state his motives, and then he would conclude with some reflections. He entered on this subject with great reluctance, owing to an event so awful and sudden as the Queen’s death. That event ought to have hushed all angry feelings. [Here the defendant appeared to weep.] But Mr. Brougham was the first to disturb her ashes. Alas, alas ! On that party, death made no impression. The malignant feelings which were brooding in their hearts vegetated in their breasts, even beneath the cypress. The hydra of faction had reared its terrific head on the day of her funeral. That disclosed the unparalleled malignity and atrocity of the designs they had entertained. Her counsel were determined to carry their vindictive feelings beyond the tomb. Her mantle was on their heads, and they were endeavouring to raise trophies on her tomb. This was a posthumous effort of their malice ; nothing but the lowest and most malignant feelings of revenge could have drawn him

into this court. Blasphemy and sedition had raised themselves beneath her banner; treason itself had been distilled from her pen. Previously to her trial he had always felt the warmest interest in her favour, and supposed that it was only levities and indiscretions that were brought to the country with velocipede-celerity on the wings of the winds. Favoured as she had been by the late King, and widowed as she had been from the first years she was in this country, he had felt great interest in her. He felt for her perhaps with greater sincerity than her vaunted professional champions. But when the foul, filthy, and abominable charges against her were established—

Mr. Brougham.—I should not wish unnecessarily to interfere, and I have stayed long before I offered any interruption: but surely this is not to be endured.

Mr. Justice Holroyd.—No evidence would be admitted of what you assert, if you could produce it: and we must not, therefore, hear assertions resorted to.

Mr. Blacow.—When the foul and filthy—

Mr. Brougham.—He is just repeating the very terms.

Mr. Justice Holroyd.—No, sir, you must not use such language. I am sorry to interrupt you on your defence, but I cannot in law hear such assertions.

Mr. Blacow.—Surely I may show what my motives were.

Mr. Justice Holroyd.—You cannot make assertions of guilt, when proof would not be admitted. You may state your own opinion and belief.

Mr. Blacow.—Then this is my opinion.

Mr. Justice Holroyd.—But you may not prove your opinion from newspapers or other sources. The law will not allow it.

Mr. Blacow.—The highest court of law tried the question, and gave a verdict.

Mr. Justice Holroyd.—We don't legally know what was done there.

Mr. Blacow.—It appeared the highest verdict that could be given.

Mr. Brougham.—There was no verdict.

Mr. Blacow read on.—No ingenuity could pervert the evidence of her own witnesses ; and then he felt indignation and disgust in place of pity and respect. Then there was a mock procession in the place he lived in. The howling tempest desolated the land. Then, and not till then, it was that he took up his pen. Every man who had a spark of loyalty, a grain of religion, a particle of affection for his country, was bound to arrest the progress of the desolating storm. He was satisfied that it was his duty to bring all the energies of the pulpit to bear upon it. Party politics were far beneath their notice, but there were Christian politics which had a strict claim

on their attention. (Here the Defendant quoted the several passages of Scripture that are usually applied to politics.) With all the systems of dissenters disloyalty and disaffection were interwoven; and if they were not checked, they would soon revive an Oliverian dynasty. Having made these remarks, he would go on next to show that the symptoms, which had preceded the French revolution had begun to appear in this country when he preached his sermon. "When bad men conspire, good men must combine." In their ranks he took his stand against the raging waves, and the blood-hounds, and 10,000 other figurative horrors. It was a cool and deliberate act he did. He had yet to learn the head and front of his offending. He had supported the sacred shield of protection, the banner of the sovereign, against the standard of anarchy, tumult, and rebellion. If the moral desolation had not been turned by the pen, where would the diadem, where the stars of nobility, where the mitres have been? The democratic mob, under the many-headed monster, the Majesty of the people, would have triumphed. "Thank God, who gave me courage to do my duty in affliction," &c. (quoting the fine peroration of Burke to the electors of Bristol,) this will be my consolation. If they would lend an ear to the faction which brought him there, to the advocate who had had the audacity to threaten the peers—

Mr. Justice Holroyd.—That is quite irregular.

Mr. Blacow.—It was so reported in the newspapers.

Mr. Brougham.—If it was, it was most falsely reported ; but it never was so reported. .

Mr. Blacow.—It was not contradicted ; and it was on the lips of every radical.

Mr. Justice Holroyd.—You cannot assume it as fact.

Mr. Brougham. —Read it.

Mr. Blacow.—I brought none with me ; but I have read that you said it.

Mr. Justice Holroyd.—It is not evidence.

Mr. Blacow.—Suppose—as supposition, is it not strictly right ?—Such arrogant threats were addressed to the peers.

Mr. Justice Holroyd.—Assuming that they would allow it.

Mr. Blacow.—If they did ; they acted wrong. (a general burst of laughter.)

Mr. Justice Holroyd.—You must not express your opinion here upon matters before the peers.

Mr. Blacow.—What would be your feelings in this comparatively humble Court, if similar expressions were addressed to you ? (Here he entered into observations on the situation of the Queen, and said the Queen had been allowed to come into this Court in very indulgent circumstances, and without an affidavit.)

Mr. Justice Holroyd.—She did not stand on the same footing as other subjects.

Mr. Blacow.—She is a subject.

Mr. Justice Holroyd.—I know it ; but on account of her peculiar connexion with the King, she is not bound to make affidavit.

Mr. Brougham.—It was tendered.

Mr. Blacow.—I'll talk to you by and by. [The reverend gentleman next talked of what he called Mr. Denman's filthy Greek.]

Mr. Justice Holroyd.—You have nothing to do with persons who are not here.

Mr. Blacow.—As public men ?

Mr. Justice Holroyd.—No, when they have nothing to do with this issue.

Mr. Blacow.—This is material, being used in the Queen's defence.

Mr. Justice Holroyd.—But you must accompany it with no expression.

Mr. Blacow.—Then put out " filthy," though every one who understands Greek knows it to be so. He would much rather regard what Mr. Brougham did than what he said. He refused the money to be voted by Parliament for the Queen. Would he get up and deny that ? This was noble ! Not a penny of John Bull's money would she receive till her name was restored to the Liturgy. This was worthy of the " Brave Brunswicker," as *The Times* called her ; but Mr. Brougham advised her to take what Parliament gave with far too generous a feeling.

Mr. Brougham. He has no right, my Lord, to make such assertions, more especially as they are notoriously false.

Mr. Blacow.—It is reported.

Mr. Brougham.—No, it is not. I was more than 200 miles from town when the money was accepted

Mr. Justice Holroyd.—I hope, Sir, you have good sense and feeling enough not to go on in this way.

Mr. Blacow.—Hone and Carlile were allowed to go very far, and am I not to be allowed to go so far?

Mr. Justice Holroyd.—The Chief Justice doubted since whether he was justified in letting him go so far. In the case of another person, we were all of opinion that it ought not to be done.

Mr. Blacow.—I calculated on going on so; if this be cut off, I may as well sit down.

Mr. Justice Holroyd.—You are not to be suffered to go on because you calculated on it.

Mr. Blacow next spoke of “such reptiles as Wood and Waithman, who had talent only to weigh a drug or measure a yard of tape, regular traders in guile and deception.”

Mr. Justice Holroyd.—If you go on so, I must stop you.

Mr. Blacow.—Then I cannot go on.

Mr. Justice Holroyd.—No slanders are to be repeated here.

Mr. Blacow.—As public men?

Mr. Justice Holroyd.—Not on another transaction.

Mr. Blacow.—It was said that the Queen had

been ready to make an affidavit, as it had been said, that she would not receive the money. Let them not believe it, as coming from Mr. Brougham. He had been guilty of a moral degradation which he hoped would never again be seen at the bar. But the good and great old Chancellor nobly replied to him *fiat justitia ruat cælum* : he was like a venerable oak in his native soil. Mr. Brougham had endeavoured to intimidate by his threats when he could not cajole by his sophistry. That was the practice of his ferocious school. He borrowed the word from Mr. Creevey, of Whig-radical notoriety—for Liverpool had the honour of giving that statesman birth. (The Reverend Defendant again plunged into the vortex of the French revolution, and the comparison to the ferocious monster Nero.) They crept into parliament after all, through the crannies of rotten boroughs. Mr. Brougham and Sir Francis Burdett, and others of that pestilent faction, were members of the Concentric Club, that horde of ferocious persons. He (Mr. Blacow) had not defamed the Queen ; and he was prosecuted, not for defaming the Queen, but for the many editions of his sermon, against the Whigs and Radicals. When it went through two editions, a full conclave of raging Liverpool radicals resolved to prosecute him. (Here quotations of proceedings in the Lords and Commons, were repeatedly checked in vain.) In the picture between the ferocious Nero and our generous King, was it not

a direct call to rebellion ? This had been the intention of the radical faction in taking up the Queen's case. The well known journal of this faction was the *Liverpool Mercury*, the common receptacle of sedition and blasphemy, and attacks on private character. He (Mr. Blacow) knew the faction. They had fury on their lips, vengeance in their hearts, and blood on their hands. (The Reverend Defendant next entered into a long history of his efforts to deprive an Atheist of parish offices, and of his failure, through the conduct of the "well-known colleague of a radical counsel for the Queen, and member for Nottingham.")

Mr. Justice Holroyd.—No, Sir.

Mr. Blacow.—As public characters ?

Mr. Justice Holroyd —As a man of education, conducting your own defence, and professing zeal for submission to authority, I am surprised that you can go on so.

Mr. Blacow again reverted to Nero, and the comparison to him, alluded to blasphemies against Ministers, and said the Queen's answers, to use a well-known expression of Mr. Scarlett's, smelt of blood. Why was this prosecution brought against him after the Queen's demise ? Why was he selected ? (He next lauded the Judges of the land, and lamented the audacious slanders even upon them, and concluded this part by exclaiming)—“ Perish the arm that would not be raised at such a crisis—silent for ever be the tongue

that would not speak." He defamed not the Queen. It was utterly impossible, if he had had the eloquence of Sir Harcourt Lees in Ireland, or of that man of straw John Bull, against which he understood Sir John Copley set his face. (The interruptions were incessant here and unavailing.) His arm had dropt from the shoulder-blade before he had suffered the finger of pollution to touch the sacred symbols of Christ's body. (He next proposed to read passages much stronger than he had used, from a volume called "Gunaikocracy," but he was prevented from that course as irrelevant. He pleaded the example of Hone and Carlile, and complained that the whole of his defence would be cut up.)

Mr. Brougham explained, that Hone had quoted parodies, not to show that others had not been prosecuted, but to show that he was not guilty of profane or blasphemous parody, inasmuch as parodies as liable to that charge had been written by persons of undoubted piety, and ornaments of the church.

Mr. Blacow.—If rack, tortures, even the gibbet were his reward, he would not abate one word of what he had said. The image of the "Pedestal of Shame" he borrowed from a letter in a London paper—not the leading journal; no, it was not from *The Times*, the most false, most pestilential, most licentious, most inflammatory paper that ever disgraced any country; nor from *John Bull*, the rays of whose honest truth dispelled the mists

of delusion which anarchy had raised. But honest *John* was sometimes beside himself, for he attacked even Mr. Brougham, whose malignity now rankled in the gloomy recesses of his vengeful heart; but they would deliver him (Mr. Blacow) from his merciless grasp, and let him and *John Bull* fight it out. *John Bull*, by interrogatories, put cross-grained questions. Of the purity of Mr. Brougham's family he knew nothing; but the Duke of Wellington said to the mob, "May all your wives be like the Queen." If the cap fitted Mr. Brougham, he might take it.

Mr. Justice Holroyd.—It is quite irregular.

Mr. Blacow.—But the letter he alluded to was in the *Courier*, which prided itself on decorous and gentlemanly language, and which admitted nothing low or scandalous. He had been happy to borrow from its well-tempered page. He mentioned this to show that there were some other reasons for fixing Mr. Brougham's legal harpoon in him. He had probed the apple of his eye when he had praised the King's ministers. Hone was properly acquitted, because he had not had the intention for which he was prosecuted: so ought he (Mr. Blacow) to be now acquitted.

Mr. Brougham.—It is quite untrue that you alone are selected. Bills are found by the Grand Jury against others, and it is well known.

Mr. Blacow.—Before God he solemnly swore he was not guilty of the charge. (In the argument to show that he had not defamed her late Ma-

jesty, he used such terms of ribaldrous obscenity as brought down the indignation of the Judge.) The Common Council of London was a viperous brood, a nest of pestilential Radicals, and mountebank dealers in disloyalty. When they talked of "her eminent virtues," the very stones of this house would start from their beds and speak. (Again he struggled to go into the evidence before the Lords, but after much petulant resistance to the authority of the Court, he was restrained.) Who instigated this trial? Was it Alderman Wood—Billy Austin—or that paragon of wit and wisdom and fine writing, Lady Hood? the Escort Committee?—or the Common Council? No, it was the Whig-Radicals, because he had "confounded their politics, and frustrated their knavish tricks." If a London Jury acquitted Hone, surely a Lancaster Jury would acquit him (Blacow.) The Queen left nothing in her Will to Alderman Wood; and it was said that Mr. Brougham had said of him, that except the identical animal who eats thistle, there was not a more stupid animal; from which he supposed he called him absolute wisdom.

Mr. Brougham.—There is not a syllable of truth in that.

Mr. Blacow was very glad to hear it. The Whigs in office were always tyrants; out of office always traitors. They were as ready to cast off the Queen, when she should have an-

swered their purposes, as that old crazy-headed goat, Lord Erskine, to cast off his concubine.

Mr. Brougham.—O! O! There's a minister of the gospel.

Mr. Blacow then eulogized the Bridge-street association, the joyous acclamations of the Irish, and poured forth a fervent prayer for every earthly and eternal blessing to George IV.

[When he concluded his fervid harangue there was a very general stir throughout the Court, of applause.]

Mr. Justice Holroyd, in the most guarded and temperate language, gave his opinion that it was a libel. The epithets were most abusive and derogatory. Could he be ignorant that he was traducing and vilifying the Queen? By a particular statute they were to judge whether the defendant was guilty. As a clergyman of the Church of England, holding himself out as very loyal, and very desirous of the preservation of the state, he gave his opinion of the Queen's guilt, left not the people to their own reflections, and thus he disturbed the peace. But it was for them to judge whether it was a libel or not. They were to lay out of their minds all other considerations, and totally their own opinion respecting the question of the Queen's guilt or innocence. The only question was, whether the publication tended to degrade the Queen, to traduce her, and was published with intent to vilify her, and to break the peace. In his opinion it was a libel.

The Jury retired for a quarter of an hour, and found a verdict of GUILTY.

The following extracts made from a Sermon, preached "for the funeral of Queen Caroline," on Sunday, August 19th, 1821, by the Rev. W. J. Fox, display a very different spirit and language to what we have just detailed, and in which the character of her late Majesty will be found admirably drawn.

Mr. Fox's text was from Job iii. 17: "There the wicked cease from troubling; and there the weary be at rest:" and he thus commences his discourse:—

"On many occasions have these words been quoted, but never perhaps more frequently, and certainly never with greater propriety of application, than on the present occasion.

"Caroline of Brunswick, Caroline of England rather, for English was she by her station, English still more by her noble character, and English most of all by the adoption and affection of a generous people, has left our shores for that final home where the wicked must cease from troubling her, and where alone, in her case, the weariness of unmerited suffering could sink to rest. A wounded spirit who can bear? And her spirit was wounded, even to death, by the poisoned daggers of calumny and insult. God grant that such weapons may be broken at her grave, and

buried with her ! And may the hearts of those who used them be moved by her dying forgiveness to that relenting mood which was not accorded to her living innocence !”

“ Job, the hero of this noble poem, may be regarded as a royal sufferer, for the scene is laid in those patriarchal times when large households were independent communities, and their heads were sovereigns. Through successive ages has he been celebrated for his suffering ; and the fame of hers has pervaded the earth, dividing men’s interest with the convulsions of states and the downfall or restoration of governments ; and endure it must so long as England has a history : his patience has often been appealed to for example, and her magnanimous endurance is the theme of admiration : he was spoiled of his possessions, and she robbed of the due honours of her station : the ceremonial uncleanness of disease, or its loathsomeness, drove him from his own house to lodge on the bare ground ; and the interested intrigues of faction, and the pestilence of sycophancy, exiled her from this country, an unhonoured wanderer over the earth : he could appeal to his diffusive charity ; and for this too, when the ear heard her, then it blessed her, and when the eye saw her, it gave witness to her ; on her came the blessing of those ready to perish, and she made widowed hearts sing for joy : he lost all his children, and that too while parted from them : and her exile was imbittered by the

loss of her only child: his sufferings are attributed to a being supposed to act as spy, and tempter, and false accuser; and in her case were spies, and tempters, and false accusers multiplied. His trials, and hers too, were repeated, the ignominious failure of each serving only to increase the severity and fury of the next. That endearing connexion which began in paradise, and was designed to bless mankind, which ever ought to furnish security against the dangers of life, the consolations of sympathy and tenderness in its sorrows, and participation in its enjoyments—was in his case, and in hers, a source of disquiet and bitterness: he had to contend against those who had professed, and appeared to be friends, but who vented calumnies and falsehoods; and so had she: he felt the baseness of those who flattered and idolized him in the season of prosperity, but who in trouble made him their song and by-word, and spared not to spit in his face, to offer unmanly insult; and so did she. Conscientious integrity supported both, and prompted a defiance of slander, and an assertion of just claims to more honourable treatment: he offered sacrifices for his erring friends; and she pronounced forgiveness on her enemies: Heaven interposed for the assertion of his integrity; and, in the detection of the falsehoods vented against her, there were circumstances which (though in fact all events are alike providential) are eminently called so because they are unusual, and tend to

obvious and immediate good: he was recompensed, as was the frequent method under the earlier dispensations of religion, by temporal prosperity: she was sustained (as is the more general case now) only by the hopes that fix on futurity: hence the joyous termination of his history comes in contrast with the mournful close of hers; and the deepest depression in his progress, becomes the final earthly emotion of her bosom, namely, a heart-sick longing for that place, "where the wicked cease from troubling, and where the weary are at rest."

"The voice of candour and charity, nay, as seems to me, that of the sternest justice, warrants our best and brightest hopes at that bar for her who is departed. That she was innocent of the foul offence laid to her charge, (and never did fewer honest and disinterested men, some such there were undoubtedly, dissent from a general opinion than on that subject,) is saying comparatively little, as many are free from such offences who have small claims on respect; though it should be observed, that not once in an age is any one so completely abandoned to inducements to error. She had an active and vigorous mind, and she did not debase that mind: it was perhaps irregularly exercised and cultivated; but still exercised and cultivated it was: nor did she ever act more wisely, justly, and greatly, than when relying on her own decisions. Her greatest error during her last residence here, the rash

rejection of the Parliamentary grant, was caused by yielding her own conviction to the judgment of others. If in her manners there was somewhat of a foreign tinge (the inevitable result of education) which suits not England, this can scarcely be imputed as a fault, while the condescending kindness which marked them, even to the meanest, raises them into goodness. Her charitable disposition was not merely most unquestionable, but most admirable. It had the strength of a passion, and the firmness of a principle; and blended beautifully with her habitual energy of purpose and action. In the very difficult situation in which she was placed in this country, where her rank and the aspersions on her character made it an imperative obligation to relinquish voluntarily no right, and where policy and duty alike warned against being factious, or unnecessarily vexatious, her course was (in my opinion) guided by the soundest judgment and the correctest feeling. Her particular forgiveness of Louisa Demont was truly Christian, and this and other circumstances of her last illness which have been published, can have been read by few (I pity those few) without tears of admiration and regret. Of what her religious notions were, I know nothing, nor whether her celebrated journey to Palestine was connected with them, or merely prompted by an honourable curiosity; but her conduct impresses with a conviction of her piety, and in her superiority to the fear of

death, steadily for some days as she contemplated his approach, in her submission to the will of God, and her charity to all, even the most injurious, we trace the fruits of piety—such fruits as are better than a thousand professions.

“It was her first misfortune, to be born of royal parentage. In my opinion a heavy misfortune, in a moral view, on all so born. I enter not on politics. Sovereignty may be necessary for the well-being of society ; monarchy may be the best form of government, the most adapted to provide for the security, the prosperity, the freedom, the morals of a people, and if so, it ought to be established and cherished. But there is a sacrifice to this good, a sort of moral martyrdom of the elevated family ; the early sense of solitary superiority, kept alive by a thousand flatterers ; the early perversion of the mind by those to whom ascendancy over it is the great prize of life ; the base readiness of many to minister to any passion however base ; the difficulty of making the voice of truth heard in palaces ; all are dreadful obstacles in the moral path of the high-born, which it must require extraordinary strength of mind, or extraordinary grace from heaven, to enable them to overleap. Alfred (every way the greatest name in our annals) was trained in the school of adversity ; without such training, the vices of monarchs may almost be considered as their misfortunes, attributable to their stations, rather than to themselves ; hence

their virtues claim eminent praise, and their faults unusual allowance. Let this allowance be made, where it is needed, and as far as it is just. The object of our present attention requires it not."

"The sufferings which flowed from that source, [Royalty,] may well reconcile us to the humbler, but more sheltered station in which Providence has kindly placed us. That misfortune, as it were, included all the rest, or, at any rate, was closely connected with them; for had not such been her lineage, she might not have become a wife without being the object of affection; she would not have been almost immediately cast off without the breath of imputation; she would not have been deserted by those who had paid court to her, and should have been her associates; she would not have been subjected to groundless accusations by sheltered accusers, nor have found acquittal ineffective as to many of the results that should have followed; she would not have been interdicted the society of her only child; she would not have been cajoled out of the country, where it was safest for her to remain; she would not have been a wanderer, slighted by every petty government that thought to pay its court to a greater power by insult; she would not have heard at a distance of the sad death of the child who bore a motherless inscription on her coffin; she would not have had her assumption of the rank which had fallen to her menaced

with the scaffold ; she would not have had her house haunted by spies, and her actions chronicled by calumniators ; she would not have returned to her kingdom to be sheltered by the hospitality of a private individual ; she would not have been a mark for unchecked malice : she would not have sustained the severest trial that ever guilt or innocence stood, and to which nothing but conscious innocence or downright insanity could have made her expose herself, only to find acquittal succeeded by nearly all the degradation that could have followed conviction ; she would not have been turned back from even the sight of the ceremony in which, according to custom, she should have been a principal figure ; she would not have expired without one relative near her dying bed ; she would not (though of this happily unconscious) have been —— but of this last disgusting scene I dare not trust myself to speak.”

“ The transactions of the last fifteen months are well adapted to inspire and strengthen a feeling which has ever glowed warm at my own heart, and which I would fondly cherish in the bosoms of others ; I mean the love of our country—an admiring and ardent love of the people who really constitute that country. Next to the name of Christian, do I glory in that of Englishman. Not on account of institutions, civil or ecclesiastical ; not for deeds of warlike prowess and extended conquest ; not in any particular

course of foreign or domestic policy; but in the national mind and character, as exhibited in the people, in the rich fruits of intellect and generosity which the soil seems to throw forth exuberantly as its spontaneous produce. These are England, and these are glorious. In such productions we may triumphantly compete with all the regions of the earth. In meaner things they have (and let them have) their various superiorities, but

‘MAN is the nobler growth our realms supply,
And souls are ripened in our northern sky.’

Newton and our philosophers, Shakspeare and our poets, Milton and our patriots, are the real representatives of the people of England. They are the topmost billows of a mighty ocean, which has rolled, and will yet for ages, in spite of corrupting influences, roll on in majesty, of sound thought, and aspiring fancy, and noble feeling. The people of England are rarely wrong, and never deliberately cruel or unjust. Never perhaps has the earth borne such multitudes as have been repeatedly assembled in the last few months; and whom did they inspire with dread of outrage? None in reality, not even female timidity. And though affected fear cried out there was a lion in the streets, yet might childhood safely have thrown its arms across that lion's mane. It was not by pomp and show that they were congregated; for they turned their backs on the most

gorgeous of exhibitions. It was not by any interested motive, for none could gain, and many might lose, by their devotion to an injured female. It was a sympathy with one they deemed oppressed and innocent; it was a hope of serving and protecting her; it was a joy in her gladness, and a participation in her insults: it was a tender veneration for her memory, the most honourable, and disinterested, and generous. These feelings are England for that period; they are its essence, and all else its accidents, and with these I would not but be identified for the world. Sovereigns may create nobles, and soldiers may win battles, and statesmen may enact laws, and hierarchies may make liturgies; but the people alone can pour forth such a swelling tide of noble feeling, to which the rest are but as the stones and shrubs among which Vesuvius rolls its resplendent flood of lava."

"Soon, O how soon, must these accumulated thousands become senseless as Her they mourn, and be mingled with the dust on which future generations shall tread! We are bearing onward to the grave, and in the path of duty to a better country beyond the grave. But when they and we shall all have ceased to feel and act, the importance of what we have felt and done will still remain. It will remain as affecting the character, and perhaps the destiny, of our country: it will remain as affecting ourselves, and our own final destiny. Nor, I feel assured, in the agonies

of death, or in the awful anticipation of judgment, shall we experience one pang of regret at having thus paid our last respectful and affectionate tribute to the memory of ‘CAROLINE OF BRUNSWICK, *the injured Queen of England!*’ ”

We shall further present to the reader, the following extract from another funeral discourse, preached on Sunday, the 12th of August, by the Rev. John Clayton, jun. The text from the Book of Esther, i. 15: “What shall we do to the Queen—according to Law?”

“We are to convey her in solemn respect to her grave. If we look into the history of the patriarchs, the histories of the books of Chronicles and Kings, and of the New Testament also, one general fact (without specifying instances) will instantly strike you; that on the death of relatives, friends, and fellow-creatures, of whatever rank and condition, decent interment is represented as a debt due to the mortal remains of those who are bone of our bone, and flesh of our flesh. In fact, the body is of divine, and not human workmanship. It is the fearful and wonderful framework of the Supreme Architect. It is the temple of Providence, by whose influences incessantly exerted, it is preserved from dangers, and supported in existence so long as life lasts. In the persons of the people of God, it is the price of the Redeemer’s blood, the temple of the

Holy Ghost, sacred even in ruins, and demands respect and honour when conveyed to the silent tomb.

“ Moreover, excepting in some instances where life has been forfeited to the laws of the country, the previous character of an individual is not in any sense our rule, as to their sepulture. Duty, in our case, is not to be affected nor controlled by their previous departures from it, but by the sacred word. All acts and scenes of rudeness, violence, and outrage, at the tomb of the departed, are utterly inconsistent with the principles of a Christian. In solemn calmness, and according to the established laws of propriety, he is to commit to the dust and repose of the grave that body, which shall be watched till the resurrection morn, and shall then be called by the trumpet of the Archangel, from its long slumber in the house appointed for all the living. Such should be the mode in which ought to be deposited in the appointed sepulchre, the corpse of the defunct member of the illustrious House of Brunswick.”

PUBLIC FUNERAL OF HONEY AND FRANCIS.

A number of Mechanics &c. having met at a public house, and resolved to attend in procession the funeral of the two unfortunate men who had been slaughtered by the Life Guards; with this view they prevailed on the friends of the

deceased to let the funeral be a public one, at Hammersmith church; a measure strongly reprobated by the well-disposed part of the community; but which the original projectors would not relinquish.

The following statement of the proceedings of the day is from a most respectable source:

August the 26th, being the day upon which it was announced that the public funeral of these two unfortunate men was to take place, at the expense of the mechanics of London, an extraordinary interest was excited, not merely among the members of that numerous body, but in a very considerable proportion of the public of this metropolis. Upon the inexpediency and impropriety of the measure itself (which seems to have been resolved upon and effected by a committee of the bricklayers, and carpenters and joiners—of which two trades the deceased themselves were members,) we have already expressed a decided opinion. We condemned it as one which, under existing circumstances, was calculated rather to renew that animosity and irritation which on a recent melancholy occasion manifested themselves in so lamentable a manner, than likely to effect one good or laudable purpose. We have at present simply to record some of the principal events, and to describe some of the most striking scenes which this day presented. We should premise, that Mr. Sheriff Waithman—apprehending the possibility that the

public peace might be endangered by the carrying in procession through the principal streets, and along the road to Hammersmith, the bodies of those who fell the unfortunate victims of the needless employment of the military power on the 14th—on Saturday addressed the following letter to several of the newspapers, with a view to dissuade the committee from the public execution of their designs :—

SIR,—Seeing a paragraph that has appeared in some of the papers, that a procession is intended to proceed to morrow from Smithfield, to accompany the funeral of the two unfortunate men who were shot on the 14th inst. near Cumberland-gate, as I have assisted the relatives of one of those individuals in the investigating the circumstances which led to his death, I feel called upon to say, through the medium of your paper, that I highly deprecate such a proceeding, and particularly as the matter is now under judicial inquiry ; and earnestly hope that the public will refrain from attending the proposed meeting.

“ I am, Sir, your obedient servant,

“ *Bridge-street, Aug. 25.*

ROBERT WAITHMAN.”

Finding, however, that the individuals in question were bent upon effecting their original intentions, the worthy Sheriff accompanied the procession in person. To his exertions and assiduous attention is mainly to be attributed the general good order in which the proceedings of the morning were conducted. It is very remarkable that it was not till four o'clock in the afternoon of Saturday that the Lord Mayor received the usual notification from Lord Bathurst, desiring him to take the proper measures for

keeping the peace of the city during the next day. The Sheriffs of the county received no such intimation whatever; but the moment that the High Sheriff (Mr. Waithman) was satisfied that the procession would take place, he adopted the most prompt and vigorous measures to preserve the public peace. He wrote to Mr. Burchell, the Under Sheriff, desiring him to order out a sufficient posse of constables for the county, and sent a similar letter to the Secondary, with a like request for city constables. [We subjoin a copy of the letter to, and answer from, these gentlemen.]

“ GENTLEMEN,—A placard having appeared, inviting an assemblage of the people to-morrow in Smithfield, at twelve o'clock, to pass up Holborn to Hammersmith, I wish you to have the officers and constables in readiness to prevent any breach of the peace. I do not wish to have them appear amongst the people, but to have them in readiness to act, in case there should be a necessity for their so doing.”

“ SIR,—We have, agreeably to your directions, summoned the constables and officers to be in Charter-house-square to-morrow morning, at eleven o'clock precisely, ready to receive your further instructions.

“ We are, Sir, your obedient humble Servants,

“ HENCHMAN and BURCHELL,

“ Sheriffs' officers, Red Lion-square, Aug. 25.

“ To Mr. Sheriff Waithman, &c.”

Mr. Waithman met the chief officers of the peace, and gave similar directions for the attendance of constables; and having no apprehension of any tumults, save near the barracks, posted

the larger proportion of the men in that vicinity, and, previously to the passing of the procession, he repeatedly rode in among the people, entreating them to abstain from hissing or using any other expressions of anger towards the soldiers. The general rendezvous was appointed for twelve o'clock in Smithfield; and long before that hour multitudes had congregated there. A few minutes before twelve, some men on foot with mourning hatbands came down Long-lane; and shortly after them, Dr. Watson, of Spa-fields notoriety, attended by six or seven of his friends, entered the market-place by another avenue. Infinite confusion and uncertainty prevailed among the crowd, as to the direction which the first part of the intended procession was to take or had taken, when Dr. Watson addressed the spectators, for the purpose of dispelling their doubts. Having mounted upon the top of a post, he informed his fellow-countrymen, "that it would be useless for them to wait there any longer, as the procession was not to proceed from thence, but from Kingsgate-street, Holborn, in the neighbourhood of which the body of Francis lay." This information proved to be correct; but that some feud had sprung up, or that some misunderstanding existed between the Doctor and the managing committee, was evidenced by the appearance of several members of the latter, disclaiming all connection with the Doctor. Placards were posted all over Smithfield, and were perpetually

re-appearing at the corner of every street down the whole line of the Hammersmith road, calling upon the people to preserve the strictest order. At about half-past one the first part of the procession, consisting of the hearse and four, which contained the coffin of Francis, followed by four mourning coaches and pairs, and preceded by a man bearing a plateau of feathers, began to move from the neighbourhood of Red-Lion-square. As it advanced up Holborn, at a slow and solemn pace, it was met by one or two friendly societies, and by a band of music, which accompanied it all the way to Hammersmith, playing the Dead March in Saul, the 95th, the 100th, and other Psalms. The feeling which was apparent in the demeanour of the mourners—relatives and friends of the deceased—the undisturbed order and quietness with which they proceeded, and the general sympathy of the beholders, formed an interesting scene. From every street and avenue, at the windows of every house, in the carriage-road, on the pathway, crowds were collected, and a sense of decorum appeared to pervade the whole of them. The procession having at length reached Oxford-street, was joined (nearly at that part where it is intersected by the Regent's Circus and the other new streets) by the hearse which carried the body of Honey, and which had been waiting between Soho-square and Duke-street. This hearse was preceded by feathers, and followed by four mourning coaches,

precisely in the same way as the other was, and we observed the High Sheriff and his Deputy a little in advance. The scene was striking, and neither the incredible numbers of the spectators, nor the long continued succession of vehicles of every description with which the streets were thronged, detracted from its general effect, which was mournful and extraordinary. When the procession had arrived near the end of Stratford-place, that effect was much heightened from the advantageous view which this position afforded. Two gorgeous banners, which were borne by the 'Provident Brothers,' and another society, offered a singular spectacle, in the contrast of their purple and yellow silks, decked in gold and silver embroidery, with long weepers of black crape, that were attached to them. The multitude that was now assembled defied all calculation; yet the procession met with no obstruction in its course. It continued to go along Oxford-road, until it arrived at Brook-street, Grosvenor-square, from whence it proceeded into Piccadilly. A great many persons, anxious to head the procession before its arrival at Hyde-park-corner, rode or ran down North Audley-street, and the streets intervening between that and Park-lane; and it was curious to observe from some point where these streets intersected one another, five or six dense columns of people, hastening down at once through as many streets, in order to arrive at Piccadilly in as little time as possible. Other

individuals were not so fortunate ; for, seeing the great concourse of equestrians, and vehicles of every imaginable variety, that almost choked up Park-lane, they ran to Cumberland-gate, in the expectation of getting through the Park. The gate, however, proved to be impracticable ; it was locked, and a chain was drawn across it. We did not see a single soldier near the place. In our way through Park-lane, we were struck with the utter solitude of the Park. We had almost said that not an individual was to be seen in it ; but certain it is, that the Sunday promenaders, with whom it is usually so replete, were yesterday replaced by a small straggling party of the police horse patrol, who were riding up and down in undisputed possession. Stanhope-gate was not merely blocked up, but the iron gate was covered by a complete fencing of deal planks.

Before the procession reached to Hyde-park-corner, every eminence between that and Knights-bridge barracks was thronged with spectators. Doorways, windows, and the tops of houses, for nearly the whole line, were crowded to excess. The footways on both sides of the road presented a dense mass of persons, as closely thronged together as it was possible for a moving mass to be. But the crowd was not confined to the footways alone : the carriage-road was so far encroached upon by pedestrians, that, at a first appearance, one would have thought it im-

possible the funeral could pass through. As the procession advanced, however, way was made, and it came through, though in a much more compact body than it presented in any street from its first setting out. Before it reached Knightsbridge barracks, every house and place, which commanded a view of that situation, was occupied. Indeed, so great was the anxiety for places from which to view the procession in that quarter, that as high as five shillings were offered for a single window-seat. The curiosity of great numbers in this part was excited by the reports which had been spread in the morning respecting the progress of the funeral. It was at one time reported that a halt would be made for some time opposite the barracks, and at another it was rumoured that the gates would be allowed to remain open, as they are on ordinary occasions. We were, however, very glad to find on our arrival that neither of those rumours had any foundation. For a considerable time before the arrival of the procession at the barracks, the gates were closely shut, and not a soldier was to be seen, except here and there a few who looked through the closed windows of the upper apartments. When the body of the procession was seen advancing towards Knightsbridge, some of the persons who had taken their stand in front of the barracks began to hiss and call out, ‘Butchers.’ This intemperate expression was no sooner enunciated than it was

loudly condemned by the majority of the bystanders. Mr. Sheriff Waithman was on horseback in the neighbourhood of the barracks, and exerted himself very earnestly to suppress every attempt which could lead to a breach of the peace. He was assisted in his laudable endeavours by a gentleman who acted as his Under Sheriff, and by a few other gentlemen on horseback, whose names we could not collect. Wherever the Sheriff went, he was loudly cheered by the people, who on every occasion paid the utmost attention to his orders not to disturb the peace. The first outcries against the Guards were very speedily put down. In a short time, however, they were renewed by a few individuals who had come on before the procession, but who had not been present at the previous expression of disapprobation by their predecessors. This intemperate conduct, we were happy to observe, was received with loud cries of 'Order, order,' and was immediately put down. The persons who had the conducting of the procession appeared to us to be strenuously opposed to every act on the part of the surrounding thousands which could at all tend to disturb the public tranquillity. We should here observe, that as soon as the first expression of disapprobation on the part of the people was evinced towards the Guards, they (the Guards) removed back from the windows through which they were seen. The greater part of them did not again make their

appearance. A few, however, did, and it was on some of the occasions when they were observed from the road, that we noticed the expressions of disapprobation to which we have alluded above. When that part of the procession which may be properly denominated the funeral, approached close to the barracks, the utmost silence was observed; the greater part of the persons who walked arm in arm in front were uncovered, as were the majority of the by-standers. The scene at this instant was certainly very striking. Viewed from the tops of the houses in front of the barracks, the road, as far as the eye could reach on either side, was thronged as closely as it was possible for it to be by human beings congregated together. The hearses and mourning coaches had receded a little from the spot on which we stood, the parts above the wheels alone were visible, and they appeared as if floating in the midst of the thousands by which they were surrounded. From the spot of which we now speak, we do not think that the number of persons within view at both sides could have been less than from 70,000 to 80,000, though the exact numbers cannot of course be ascertained.

From Knightsbridge, the procession moved on in the same order, till it reached Kensington. Here there was a halt for some moments, in consequence of the difficulty of passing through the immense multitudes which had there assembled. Not an eminence from which a view could be

commanded was left unoccupied. Here also the utmost good order prevailed among the crowds who formed, as well as among those who witnessed, the procession. It was every where received in a solemn and becoming manner. It then moved on from Kensington to Hammersmith. The houses along the road were all, as elsewhere, lined with spectators, who exhibited, if not a strong, at least a decent sympathy with the melancholy pageant which was passing before them. In many places the hedges were also filled with groups of observers. About four o'clock the procession arrived at Hammersmith. The bell of the church began to toll as soon as it entered into the town, and did not cease till both the coffins were placed within its walls. The body of Francis was the first which reached the churchyard; and as soon as it arrived there, preparations were made for taking it out of the hearse. The persons who had taken part in the procession advanced first, followed by the two banner men. Then came a plateau of plumes—of which the Government did not furnish one at the ‘decent, proper, and becoming’ funeral of the Queen of England. It was carried by a person in deep mourning, and was followed by the supporters of the coffin, who were eight in number. A rich pall—and here again the difference between the funerals of these two poor mechanics, and that of the late Consort of the most potent monarch, George IV. presented itself to the mind—was

thrown over the coffin, and thrown over it with a decency and solemnity which formed a striking contrast to the scene which was exhibited a short time before at Harwich. Such of the mourners as were of the family of the deceased came next, and appeared to excite a strong interest amongst the crowds who were assembled in the church-yard. As soon as they had effected their entrance, which they did by the south gate, that gate was closed, to prevent a fresh influx of strangers upon those who were already assembled there, and who filled every inch of vacant ground that was to be found within the yard, to say nothing of the walls and trees which surround it. The clergyman, as is usual, met the corpse at the church gate, and read over it the solemn commencement of our burial service, 'I am the resurrection and the life,' &c. &c. At that moment, as if by general consent, every head was uncovered, and not a sound was to be heard among the immense multitudes thus collected, except that of the trumpets accompanying the procession, which played a funeral psalm. The whole scene was impressive. It would be almost impossible to collect the same persons again together, and to influence them with a similar feeling with that which at that moment actuated them. The coffin and its bearers proceeded at a slow pace through the midst of them, calling forth their remarks at every step. At last it reached the church porch, into which it was pre-

ceded by the two banners. As soon as the body of Francis had been placed on the rude kind of scaffold which was prepared in the interior of the church for its reception, orders were sent to admit into the church-yard the body of Honey, which for a few moments had been waiting at the entrance of it. It was ushered into the church with the same order and decency, and received by the people in the church-yard with the same feeling, as had been evinced by them in the case of Francis. It was found, however, impossible to close the gates, which had been opened to admit this part of the procession. The wand-bearers endeavoured, but in vain, to turn back the wave of the multitude, which set in strong against them. Finding that to be impossible, they wisely gave way to it; and the consequence was, that immediately afterwards the church was crowded in every quarter to excess. We were so fortunate as to obtain a seat in the front gallery, and on looking down into the chancel, we found it to be quite filled with the mourners who belonged to the family of these two unfortunate victims of military execution. The men who held the two banners which we have before noticed, placed themselves in the pew of her late Majesty, which, as well as the pulpit, was covered with black cloth, in consequence of her decease. The banners themselves, covered as they were with crape, added to the picturesque appearance of the place, and

increased the general melancholy which had been inspired by the sight of the escutcheons, between which they were ranged—those mournful memorials of departed royalty. On the clergyman's proceeding to read the impressive litany for the dead, enjoined by the Church of England, a vast majority of the congregation drew forth their prayer-books, and followed him through it, thus giving another proof, if indeed any were wanted, that the lower orders of the people of England are not the immoral, irreligious, and infidel crew, which some of the unfeeling Pharisees of the age wish to represent them. After the funeral psalms, and that sublime and affecting chapter taken out of the first epistle of St. Paul to the Corinthians, had been read, the two coffins were carried to the grave. We do not know, and shall not pretend to conjecture, what feelings influenced the people to such conduct; but were surprised at observing the eagerness displayed by numbers, both of men and women, to touch the coffins of the deceased as they were conveyed from the church to their last home. If they had believed in the efficacy of religious relics, and had conceived the coffin to contain the bodies of some of the earliest martyrs, they could not have touched them with stronger feelings of regard and veneration. The banners accompanied them to the grave, and on 'earth being committed to earth, ashes to ashes, and dust to dust,' were lowered over them in the most impressive and

affecting silence. On the conclusion of the funeral service, the different friends of the deceased retired to the mourning coaches which were waiting for them, attended by the warmest sympathies of all present. It ought not, however, to be overlooked, that the deep grief of the children of the deceased excited in some bosoms feelings which expressed themselves in an angry manner, not altogether congenial either with the place, or the ceremony which they had just witnessed. With this exception in the conduct of a few, and but a few individuals, every thing which passed in the church-yard was highly creditable to their moral and religious feelings, notwithstanding the efforts which some individuals made, but in vain, to create a disturbance among the populace during the time that the funeral was in the church.

As soon as the motion of the mourning coaches made it known to the multitudes who were collected in the streets of Hammersmith, that the funeral was over, they began to turn their steps towards the metropolis. It was evident from their orderly conduct on the road to Hammersmith, that unless some irritation was given to them by the appearance of the Life Guards at Knightsbridge barracks, nothing would occur to disturb the general peace and tranquillity which had prevailed on their whole line of march during the day. Mr. Sheriff Waithman, who, as our readers will have seen, had been most actively and suc-

cessfully employed during the whole advance of the procession in using his influence to soothe the irritated feelings of the people, posted himself, and such of the *posse comitatus* as he had thought proper to call out, opposite to the barracks, in order that he might, if possible, prevail upon them to dispense with those expressions of indignation against the Life Guards, which the people thought, justly or unjustly, that the conduct of that corps on a recent occasion had richly merited. About six o'clock a numerous group of soldiers planted themselves in a most conspicuous position before the front gates of their barrack, and appeared by their behaviour to be challenging the attention of the passengers to their bold and undaunted demeanour. Mr. Sheriff Waithman, observing the manner in which they had ranged themselves on the footpath, along which a great part of the crowd were certain to walk in their return from Hammersmith, rode up to them, and requested them to withdraw from the conspicuous position in which they had placed themselves. The soldiers replied that they had a right to stand in the position which they then occupied, and declared their resolution of not moving from it. Mr. Sheriff Waithman then said to them, that he did not mean to insist, as he was justified in doing, upon their complying with his desire to remove from the footpath; that his sole anxiety was to preserve the public peace; and to effect that object he would even ask it of them

as a favour to retire to their quarters. He further added, that if they would oblige him upon that point, he would order his officers to arrest the first man who offered them an insult. Notwithstanding this conciliatory address, which, had it been complied with in the first instance, would have indisputably prevented all the commotion which afterwards ensued, the soldiers persisted in retaining their station. The worthy Sheriff then asked them to give him the name of their commanding officer, that he might communicate with him upon the subject. To that proposition the soldiers, at whose head was either a corporal or a serjeant, gave a most unqualified refusal. Mr. Waithman made, however, another attempt to effect his object. He sent two or three of his officers into the barracks to find out the gentleman in command of the regiment, and ordered them to deliver his respectful compliments to him, and to state how expedient it would be to withdraw the military from the view of the populace. If the report of the officers is to be believed, the answer which they got from the officer to whom they delivered the Sheriff's message was, 'Tell Mr. Waithman, your Sheriff, he may go and be damned; my men shall stay where they are; I will not consent to have them made prisoners of.' The import of this answer got spread among the people, and did not tend to a spirit of conciliation between them and the soldiers. Different groups kept arriving from Ham-

mersmith with feelings strongly excited by the melancholy fate of Francis and Honey. The news of this answer was not calculated to repress that natural irritation under which they laboured. The worthy Sheriff saw this; and in consequence went up to the gate of the barracks, and said to the men, 'As your commanding officer will not give you the orders which appear to me to be necessary to preserve the public peace, I, as Sheriff of the county, to whom the King's peace in that county is intrusted, take upon myself to act as your commanding officer, and order you to retire this moment within the barracks. If not, I shall look upon you as responsible for all the fatal consequences which may ensue from your obstinacy and perverseness.' This was said in the presence of several individuals, both civil and military. The soldiers murmured, but at last reluctantly, and after considerable delay, withdrew within the gates. The people immediately gave Alderman Waithman three cheers. Shortly after this point had been carried, the mourning coaches arrived from Hammersmith, followed by a considerable number of people. The soldiers, who had collected themselves in the windows of their respective apartments, laughed at them, in many cases most loudly, and, in several, shook their fists at the parties surrounding them. The populace retorted the insult by calling them 'Piccadilly butchers, cowardly cut-throats,' &c., and no longer confined

themselves to hissing and hooting. Mr. Sheriff Waithman, whilst this scene was transacting, was riding up and down with his Under Sheriff, endeavouring to mollify the anger of the people. By threatening the more violent spirits that he would order his officers to seize them in case he saw them insult the soldiery, and by using milder arguments to the more peaceably inclined, he succeeded to a certain degree in accomplishing his object. The seeds of disturbance had, however, been sown among the people, and though his presence prevented them from striking deep root, they sprung up with greater vigour as soon as he retired. Stones at last began to be thrown by both parties, and so simultaneously, that it would be difficult to decide which were the aggressors. In less than two or three minutes after the commencement of this distant warfare, several of the soldiers climbed over the wall into the street, and made an attack on the people, who, as we were informed by a respectable witness, though we certainly did not see the fact ourselves, were maltreating a drunken Life Guardsman, who was staggering through the streets to his quarters. A general engagement ensued between this man's comrades (some of whom were armed with bludgeons, but none at this time with swords) and the multitude. The success was various; but during the time that it was carried on, repeated volleys of stones were hurled from the upper win-

dows of the barracks. At last the people succeeded in driving back the soldiers who had made the sally. Their comrades in the barracks perceived that their friends were defeated, and immediately issued forth armed, some with swords, and others with carbines, to assist them. It was at that exact moment that we ourselves became eye-witnesses of the scene, and we conceived, and are still inclined to conceive, that it was at this moment that the affray really commenced. It was a frightful spectacle. Soldiers, some dressed, some in their undress, were seen bursting out of the gates of their barracks, clambering over its walls, and rushing, with drawn swords and infuriated looks, into the midst of the unarmed multitude. Others were throwing stones and brickbats into the street from their private rooms, in much greater quantities than were thrown from the street. We saw several people around us struck by them. Some of the people now began to fly from the unequal contest which they were waging, but others stood up to the Guards, in spite of their superiority of offensive weapons, with the most undaunted fortitude. Blood was flowing on both sides pretty freely, when Mr. Sheriff Waithman, in whose absence this tumult had occurred, rode up to the scene of action, and in the very throng of the contention. He endeavoured to part the combatants, who were then fighting at that end of the barracks which is nearest to Hyde-park. Not succeeding immedi-

ately in his efforts, he turned back his horse, and was riding on the foot-path towards the front gate of the barracks, but of which the men armed and unarmed kept continually issuing. As he was going along, he found another party scuffling with the military. He immediately ordered them to desist, and contrived to separate the corporal or sergeant, with whom he had been before conversing at the gate, and who, from the conversation which he had held with him, must have known him as the Sheriff—a point that is material to keep in mind—from the conflict in which he was engaging. The worthy Sheriff immediately desired him to return to his quarters and to induce his companions to return; the answer which the man made him was to slip aside and knock down an individual who was standing near him. Still the Sheriff attempted to persuade him to retire, and whilst he was doing so, a young officer, in plain clothes, came up, and, if we saw rightly, attempted to shoulder the Sheriff off the foot-path. The corporal, to whom we have alluded, took courage upon seeing this outrage, and immediately seized the Sheriff's horse by the bridle, saying to him, 'Damn you, I'll soon show you the way off the foot-path.' Mr. Waithman, around whom there were no more than five or six of his officers, all of whom were struck and wounded by the military, seeing himself thus assaulted, hit the individual thus wilfully impeding him in the discharge of his ministerial duties, a heavy blow

on the top of the cap with a riding stick which he had in his hand. The blow stunned the man, but others of his comrades forced the Sheriff and his horse into the middle of the street. Immediately afterwards every person who witnessed the transaction, either from the streets or the neighbouring houses, must have expected to have seen Mr. Waithman murdered. Two or three ruffians—for they deserve not the name of soldiers—ran at him with their pointed swords; his officers turned them aside; another was seen at the same moment, after having first deliberately taken a cartridge out of his pouch, and primed and loaded his carbine, to place it against his shoulder, and to take deliberate aim at the worthy Alderman. Whilst the carbine was in that situation, a Sheriff's officer of the name of Levi, ran up, and knocked the ruffian down. The struggle continued a few minutes afterwards, and then suddenly closed, the men retreating, as we understood, by the command of their officers to the barracks. The Sheriff was then fully occupied in calming the spirits of the enraged multitude, many of whom, even while the struggle was at the hottest, applied to him to know whether they had a right to repel the brutal force which was brought against them, adding, that, if they had, and he would lead them on, they were ready to die by his side. Of course, the Sheriff's answer to these applications, was an injunction to those who made them to keep

themselves quiet, and disperse. That, however, was advice not always very palatable; for the irritation which these events had excited in the minds of the people was not likely to cease immediately. They stayed, therefore, for a considerable time before the barracks, hooting the military, and loading them with every term of vituperation that the English language could afford them. The women who were in the streets, and who had either walked or ridden to Hammersmith to see what occurred there, were particularly violent in the language which they used towards them. This circumstance rendered it necessary for the Sheriff to remain riding up and down the road till nearly eight o'clock, to prevent the accumulation of crowds before the barracks. This he was at last enabled to accomplish, partly by threats, and partly by the influence which his conduct in the affray with the Life Guards had given him with the multitude. By eight o'clock the streets about Knightsbridge were comparatively cleared, and it did not appear that any interruption of the public tranquillity occurred, save that which has been just recorded.

Fortunately, there was not any person mortally wounded in this affray; though several of the people received heavy contusions, and some severe cuts. Several of the Guards were bleeding copiously from the nose and mouth, when they were called into their quarters.

DISMISSAL OF SIR ROBERT WILSON, AND SKETCH OF
HIS LIFE.

THE gallant Major General Sir Robert Wilson considered it his duty to pay his last tribute of respect to the memory of her Majesty, and for this purpose, with many other highly respectable characters, attended the Funeral; and for that offence (as it was supposed) his Majesty thought proper to deprive him of his well-earned rank in the army, as will appear by the following particulars :

“ WAR OFFICE, September 17, 1821.

“ MEMORANDUM.—The King has been pleased to remove Major General Sir Robert Thomas Wilson from his Majesty's service.”

And a respectable journal of that period, thus accounts for the event.

“ The Gazette of Tuesday contains an official notification of Sir Robert Wilson's dismissal from the army. One rumour is, that Ministers entertained a suspicion that the obstacles so perseveringly opposed by the people on the day of the Queen's funeral to the progress of the procession along the route prescribed by Ministers, owed their origin and effect to Sir Robert's suggestions. The following, however, has been given in the military circles as the accredited cause of the dismissal :

“ On the day of the Queen's funeral, at the time the procession was approaching Cumber-



SIR R. T. WILSON, M.P.

London, Published by Jones & Co. No. 3, Warwick Sq. Decr. 1821.

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TILDEN FOUNDATIONS
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land-gate, and after the firing by the military at the people had commenced, Sir Robert Wilson rode up to Captain Oakes, then on duty near Cumberland-gate, and remonstrated with him on the conduct of the soldiers under his command, which he said 'was disgraceful to the regiment, and injurious to the character of the service.' Captain Oakes replied, 'Sir Robert Wilson, I know you perfectly well, but I shall enter into no discussion with you at present. I shall do my duty, and my men will do theirs.' Nothing further passed on that occasion. On the following day Captain Oakes submitted the occurrence to the other officers of the regiment, in order to obtain their opinion on the course which it became him, as a man of honour, to pursue on the subject. He was willing to regard the affair as one of a personal nature, solely affecting himself, and only required their sanction to take immediately the proper measures to obtain reparation. The other officers of the regiment, however, refused to allow a transaction which they considered to imply a general reflection on the regiment to be adjusted on the terms of a private difference, and would not consent that Captain Oakes should take the affair upon himself in the manner proposed. A statement of what occurred at Cumberland-gate between Sir Robert Wilson and Captain Oakes was in consequence drawn up, and transmitted to the Duke of York. His Royal Highness, on

receiving it, caused a private inquiry into the correctness of the facts to be instituted, and having found them established to his satisfaction, he referred the whole affair to the King, who in consequence caused his Royal pleasure to be declared that Sir Robert Wilson should be dismissed the service."

The following account, although published at the same time, is in some respects different :

"When Sir Robert Wilson heard the pistol shots, he expressed a desire to go and ascertain the cause of them. His friends would have detained him, from considering that his presence at such a scene might, like many other innocent and well-meant acts, be liable to malicious construction. This, Sir Robert Wilson declared to be unworthy his regard, so long as there was a chance of saving one life, or dissuading the military from the smallest exercise of violence. He therefore accosted the commanding officer, simply asking him whether it was by his orders that the soldiers fired? The officer replied, 'No.' Sir Robert then begged him 'for God's sake to interfere and prevent the effusion of blood.' The firing did, as our informants have assured us, cease almost immediately, and by the interposition of the officers."

This event having excited a great sensation throughout the country, and as the gallant General has been long known to the country

as a brave soldier, and a patriotic statesman, a short biographical sketch of him may not prove uninteresting.

Sir Robert Wilson was born in London, in 1776, and is the son of the late Mr. Benjamin Wilson, a gentleman well known in the scientific world. Sir Robert was educated at the public schools of Winchester and Westminster, and at the early age of fifteen, having a strong predilection for the profession of arms, he went to the Continent, where the Duke of York was then engaged on service, and his Royal Highness was pleased, out of respect to the memory of his brother-in-law, Colonel Bosville, of the Guards, who was a short time before killed at Lincelles, to appoint young Wilson to a Cornetcy in the 15th Light Dragoons. Here he served during the campaign of 1793 on the Continent, and was one of those officers to whom the Emperor of Germany gave a gold medal, and subsequently the Cross of the Order of Maria Theresa, with the dignity of Baron of the German Empire, for their conduct at the affair of Villars en Couchie, where, with about 300 men, they defeated the left wing of the French army, with great slaughter, and saved the Emperor from falling a prisoner into the hands of the enemy.

In 1797, Sir Robert returned to England with the British cavalry; and the year following married Jemima, the daughter of Colonel Bedford, and niece of the late Sir Adam Williamson. In

1798, during the Irish rebellion, Sir Robert served in that country as aid-de-camp to General St. John. On the expedition to Holland he again embarked on foreign service, and, on the 2d of October, 1799, distinguished himself at the head of his corps by a gallant charge upon a body of five hundred French cavalry, and the recovery of some British guns in their possession. When Sir Ralph Abercrombie was preparing, in the Mediterranean, the expedition which afterwards went against Egypt, Sir Robert was appointed to a majority in Hompesch's regiment, in order to take the command of the detachment ordered for that service; but as he went by land, and was detained at the Austrian army some time, he did not join Sir Ralph Abercrombie until after the arrival of the British fleet at the Bay of Marmorica. In Egypt, Sir Robert was the officer who arranged the capitulation with the commander of the French convoy in the desert. Living intimately with General Abercrombie and the present Lord Hutchinson, as well as with the Captain Pacha, Sir Robert appeared in several conspicuous situations throughout the Egyptian campaign. On the surrender of Alexandria, he embarked with General Cradock upon a new service, the accomplishment of which was said to have been prevented by the signature of the preliminaries of peace. He then went to Toulon, where, in the Lazaretto, he was understood to have collected those materials which he used in describ-

ing the personal conduct of Buonaparte, in his work upon the Expedition of Egypt. Sir Robert was not at that time content that the charges he adduced against Buonaparte should feel their own way in his book, but he delivered to the late King, and also to the Emperors of Germany and Russia, copies of his work, and chivalrously offered to prove his charges before any public tribunal.

The researches of Dr. Clarke, however, subsequently proved, that our too zealous soldier and author had been imposed upon; whether by a friend or an enemy to Great Britain was never distinctly known. The narrative, nevertheless, had a powerful effect at the time.

On his return from Egypt he purchased a Lieutenant Colonelcy of his regiment, which however soon after the peace, was reduced. Sir Robert, from that time, remained on half-pay, until the beginning of 1804, when he was appointed Inspecting Field Officer of the Volunteer and Yeomanry corps in the Western district; but when the Act of Parliament passed which precluded him from having any command of the volunteers or yeomanry, even in case of invasion, he resigned that appointment, and soon afterwards wrote his pamphlet, entitled, "An Enquiry, &c. into the present state of the Military Force." In December 1804, he was gazetted, on full pay, as Lieutenant-Colonel of the 19th Light Dragoons.

From that period Sir Robert Wilson remained with his corps at the several stations allotted to it, until the commencement of the Peninsular war gave new opportunities for displaying the prowess of the British arms in Spain and Portugal. Sir Robert Wilson appeared in his military capacity in both countries; but in Portugal he had an appointment in marshalling the newly raised Portuguese militia, or levies, drawn together for the defence of their country; and he acquired considerable credit for the state of discipline to which he had brought them, and for the consummation of which, at a subsequent period, Lord Beresford acquired such just celebrity. After the battle of Talavera, which, however well fought, was immediately followed by a retreat under unfavourable circumstances, the French general, Victor, advanced through Estremadura, intending to cut off the retreat of Lord Wellington. His movements were said to have displayed consummate military skill, and extraordinary activity in their progress. It fell to the lot of Sir Robert Wilson to encounter the advance of Victor's corps, which was of considerable force, with his small body of Portuguese, then denominated the Lusitanian Legion. Sir Robert stopped Victor for several days at the pass of Banos, and thereby performed an important service to the British retreating army. Lord Wellington, in his despatch, alluding to that exploit, paid a high tribute to the gallantry

of Sir Robert, whom, however, he styled "a partisan officer"—a name since that time often applied to the gallant individual in question.

Sir Robert was not much in the Portuguese campaign subsequently to the brilliant affair at Banos, and some time after he returned to England, not to remain inactive, but to attend the head-quarters of the Allied Monarchs, about to change the scenes of hostility with Buonaparte, from the shores of the Mediterranean to those of the Baltic and the Elbe. Sir Robert, in the capacity of Military Correspondent to the British Government, was present at the several desperate conflicts between the Russian and French armies in the campaigns of 1811 and 1812, and in many instances volunteered his services in so distinguished a manner as to receive repeated marks of favour from the Sovereigns in the field. On one occasion he was invested with an order of honour, by the Emperor Alexander, on the field of battle.

Sir Robert Wilson soon after the disastrous retreat of the French army from Moscow, was recalled, and his place supplied by General (afterwards Lord) Stewart, brother of the present Marquess of Londonderry. From that period, Sir Robert Wilson remained unemployed, and mixed much in the political societies of Paris and London, and devoted himself to the politics of the parties who were in opposition to the administration. He occasionally employed his

pen upon topics connected with the military politics of his country : his last work, published in 1811, (with the exception of a Letter to his constituents, printed in 1818,) was upon the policy and power of Russia, and calculated to call the attention of England to the ambition and enterprise of that great nothern power.

Sir Robert Wilson was, at the time of his dismissal from the army, M. P. for the Borough of Southwark, where he was greatly beloved and respected, and where a subscription was set on foot to indemnify him from the cruel measures adopted against him.*

Sir Robert had then an amiable wife and eight children—his lady and his eldest daughter both blind! On his Trial† at Paris in 1816, his advocate, M. Dupin, spoke of him in the highest strains of just panygeric. The following is a short extract from the learned gentleman's speech on the occasion.

“ Now gentlemen you will be astonished to

* At the time this was written, Nov. 30th, 1821, that subscription was rapidly going on throughout the country, and then amounted to about 8,000*l*.

† The detail of the humane part which this worthy man took in the escape of Lavalette is too long to be inserted in this work. The reader will be gratified with an account of it, by referring to “ *The Accusation, Examination, and Trial, at length, of Sir Robert Wilson, Capt. Hutchinson, and M. Bruce, Esq. at Paris, for the Escape of M. Lavalette from Prison, &c.*” published by the Author of the present work in 1816.

find, that this man who has been represented as the enemy of all Europe, is one of those individuals of whom Europe has most reason to be proud, and who has rendered the most important services to the good cause. It is time that I should explain to you the hieroglyphics of honour which he wears on his breast. Wilson is not one of those dishonest possessors, who, when interrogated respecting the cause of their possession, can only reply, I possess because I possess : *possideo quia possideo*. He can render an account of all his rewards, because he can render an account of all his services. He wears the decorations of the Red Eagle, St. Anne, St. George, and Maria Theresa, the Tower and the Sword, the Crescent, &c. &c. ; because he has served with honour in the campaigns of Flanders and Holland, Ireland, the Helder, Egypt, Poland, Portugal, Spain, Prussia, Russia, Germany, and Italy : because he has been charged with important missions to Constantinople, St. Petersburg, &c. &c. Wilson fought in Spain against Buonaparte, whose progress he powerfully contributed to impede, by recruiting the Portuguese Legion, the forming of which had such an important influence on the fate of the Peninsula. It was in the Spanish war that he knew Marshal Ney : he does not fear to avow that he was defeated by that commander ; but, in his defeat, he had to congratulate himself on the generosity of the conqueror ; and thus originated that interest, which has since

been attributed to political considerations, though it had its source in the purest gratitude. When Moreau was struck by a bullet, Wilson was near that general, and he was the first to raise him and to offer him assistance. Wilson has rendered services to all the Sovereigns of Europe ; he has even had the good fortune to have been serviceable to the King of France ; and surely that Monarch, whose heart is so mindful, has not forgotten him. To render you more fully acquainted with the character of General Wilson, that enemy of the repose of Europe ! and to prove to you the high esteem in which he is held by the Allied Sovereigns, permit me to read some of the letters, in which those Sovereigns themselves deign to render homage to the noble qualities which distinguished him. Here is my evidence for the defence ; Kings are the witnesses ! [After reading the letters, M. Dupin resumed.] This last letter* bears evidence to Wilson's goodness of heart, and the testimony is justified by facts. In 1808 some French prisoners were threatened at Oporto by Portuguese soldiers, and infuriated armed peasants, to the number of forty thousand. Wilson opposed the outrage of the latter with a small party of English troops, and a portion of his legion. He repressed their violence, by holding out to them the fear of a rupture with England, in case they should presume so far to violate the law of nations ; and after thir-

* The letter of Prince Metternich, dated January 4, 1814.

ty six hours of imminent danger, having been reinforced by a Spanish division, he succeeded in securing to the French prisoners a free passage to the port. At the battle of Tarutina, near Moscow, Sir Robert saved the life of the nephew of the Duke de Feltre : he kept him at his quarters, showed him the greatest attention, provided him with money, and offered to procure his liberty. The nephew of Prince Talleyrand, who was then aid-de-camp to Gen. Oudinot, having been made prisoner at the passage of the Beresina, Sir Robert provided him with half of his own money and clothes, and saved him the journey to Siberia. When M. Desgenettes, physician in chief to the French army, recovered his liberty at Wilna, he was solely indebted for it to the ardent solicitations of General Wilson. M. Desgenettes was the only prisoner to whom that favour was granted. Not satisfied with this, our hero presented him with two hundred ducats, to be distributed among the unfortunate French. Independently of this general benevolence, his humanity was manifested, during this campaign, by numerous private acts of service, rendered particularly to Generals Normand and de la Houssaye, to M. Fontanges, to M. Durfort, of the house of Duras, &c. &c. I only speak of the acts of benevolence, of which Frenchmen have been the object, because they are of a nature to interest you more : but Wilson has not shown himself less generous towards the unfortunate of other nations. An unfortunate

person, whoever he might be, had a right to rely upon his heart. Wilson is such as I have described him—brave, humane, and liberal.”

Numerous are the existing official testimonies to the character and bravery of this chivalrous and magnanimous officer: the following are only a small portion of them:

General,—I experience the greatest pleasure in being authorised to acquaint you that his Majesty the Emperor, desirous of giving you an especial proof of the esteem with which you have inspired him, as well by your military services, as by your upright conduct during your residence at his head-quarters (your departure from which his Imperial Majesty contemplates with regret), has been pleased to confer upon you the Cross of a Commander of his Order of Maria Theresa.

Required by my situation as Chancellor of this Order, to transmit to you his insignia of it, I, at the same time, congratulate myself in having the opportunity to repeat those expressions of friendship and attachment which I have so long entertained for you; which are fully participated in by the army, that has so often witnessed your brilliant behaviour, and not less so, by such of my countrymen as have had the means of appreciating duly the qualities of your heart.—Receive, my dear General, the assurances of my great and inviolable regard.

Fribourg, Jan. 4, 1814.

PRINCE METTERNICH.

Copy of a despatch from Lieutenant-General Sir Charles Stewart, K. B. to his Majesty's principal Secretary of State for Foreign Affairs, dated Imperial Head-quarters, Schweidnitz, 30th May, 1813.

MY LORD,—I have the honour to send your Lordship the copy of a letter which I addressed on the 27th instant, to Viscount

Cathcart. The circumstances detailed in the communication, I hope, will justify my having taken this step.

I have the honour to be, &c. &c. &c.

(Signed) C. STEWART, Lieut.-Gen.

To Viscount Castlereagh, &c. &c. &c.

Imperial Head-quarters, Strigau, 27th May, 1813.

MY LORD,—I hope I do not exceed the line of my duty, in officially representing to your Excellency the mark of distinction and honour that has been conferred on Brigadier-General Sir Robert Wilson, by the Emperor of Russia, in the camp, in the front of Jauer, this morning. It is so grateful a task to witness the merits of a brother officer justly rewarded, and there is so much in the manner in which the honour was conferred by his Imperial Majesty, that I hope I shall stand excused in detailing to your Excellency so signal a testimonial of his Imperial Majesty's approbation of the services of this officer.

Your Excellency having left Jauer before the Emperor's intentions of seeing the troops in bivouac, near that place, was known, I rode out in the suite of his Imperial Majesty, who went along the line, and was received with enthusiasm by the soldiers.

The Emperor took a favourable moment, when he was surrounded by his General and Staff Officers, in the front of the troops, to call Sir Robert Wilson to him, and to address to him a most flattering speech, in which his Imperial Majesty stated that he appreciated his services, gallantry and zeal, throughout the whole war, as they deserved; that, in testimony of which, he had determined to confer on him the Third Class of the Order of St. George, and that he was desirous of doing it in the most gratifying manner. He then directed General Augerauffsky to take his Cross from his neck, and he delivered it to Sir Robert Wilson. The gracious manner, the well-chosen moment, and the pride I felt, that one of our companions in arms should be thus decorated, in front of the allied army, will justify me, I trust, if my feelings have led me improperly to detail these circumstances to your Excellency.

Brigadier-General Sir Robert Wilson received the Cross from his Imperial Majesty until the pleasure of his Royal Highness the Prince Regent should be known.

I have the honour to be, &c.

CHARLES STEWART, Lieut.-Gen.

His Excellency General Viscount Cathcart, K. T. &c.

Presburg, 24th of Dec. 1813 (5th of Jan. 1814).

GENERAL WILSON,—At the moment when a new destination requires you to leave those armies where I have so often had the opportunity to witness in person, and to render justice to your zeal and distinguished valour, I am desirous of giving you a further proof of my satisfaction, by decorating you with the accompanying insignia of my Order of St. Anne of the First Class. The brave men with whom you have so often fought will regret your absence. For my own part, I shall never cease to remember your courage and indefatigable exertions, and shall witness with pleasure (should circumstances permit it) your return among your old fellow-soldiers.

ALEXANDER.

Langres, Feb. 2, 1820.

SIR,—You will perceive by the inclosed letter that his Royal Highness the Prince Regent has been graciously pleased to permit you to accept and wear the Commander's Cross of the Order of Maria Theresa, conferred on you by his Imperial Majesty. I experience great satisfaction in conveying to you the knowledge of this permission; the honour, rare and valuable as it is, you have nobly merited; and although it is not easy to possess a title to any higher distinction, yet I feel confident that it will not be long before I have to acknowledge, in common with all who are acquainted with the real nature of your services, the justice of your claims even to additional honour and reward.

I am, with great truth, Sir,

Your most obedient humble servant,

(Signed) ABERDEEN.

To Major-General Sir Robert Wilson, K. M. T. &c. &c. &c.

THE DUKE OF YORK TO SIR ROBERT WILSON.

Horse-Guards Jan. 24, 1815.

SIR,—I have to acknowledge the receipt of your letter of the 21st inst. with its enclosures; and in assuring you of the favourable manner in which I am impressed by the merit of your zealous and distinguished services, I have to convey the expression of my regret that the principle of limitation under which the Order of the Bath has been extended, did not admit of your name being included. The invidious difficulties which were apprehended as being likely to arise from a system of individual selection, upon the first establishment of a distinction which necessarily possessed a limitation, rendered it expedient that a line should be drawn to guide the decision, where so wide a field of merit was brought under the Prince Regent's consideration. This limited line did not embrace a period when you were materially employed with the British army; and having by your distinguished conduct obtained the honours and distinctions of all the foreign armies with which you have so eminently served, I felt comparatively satisfied, under the impression, that, in your case, the nature of the principle adopted would be apparent to yourself and your friends. I have only to add, that, upon future occasions, I shall be most happy to bring your name under the Prince Regent's consideration, not only for professional distinction, but as a candidate for the command of a cavalry regiment.

I am, Sir, yours,

FREDERICK, Commander-in-Chief.

Major-General Sir Robert Wilson, &c.

“Such was the man whom the King delighted”—not to honour; but to deprive of all those well deserved honours—and all that renown which the whole of civilized Europe had most justly awarded him.

But we now arrive at that portion of Sir Robert

Wilson's life which more immediately applies to the present narrative.

When this meritorious officer was suddenly deprived, (and that without the slightest inquiry, or even so much as a formal, or indeed any charge brought against him,) of his commission, he was at Paris ; and on seeing this ungracious notification, in about a week after, he addressed the following letter to his constituents, the Electors of Southwark :

GENTLEMEN,—An order, in his Majesty's name, has removed me from the British army. You have read my condemnation ; and I cannot suffer another post to pass, without assuring you, that my demand for charge and trial was instantly dispatched. I will not insult you by a request to suspend your judgment, when the opportunity for defence has not as yet been offered ; but it is my duty to declare to you, that I am fully alive to all the obligations which, in every contingency, a regard for your honour as well as my own prescribes.

I am, Gentlemen, with grateful respect,

Your obedient servant,

Paris, Sept. 27, 1821. (Signed) ROBERT WILSON.

In two days afterwards, he again wrote to the Electors as follows :

GENTLEMEN, I feel it to be my duty to put you in immediate possession of the following correspondence between his Royal Highness the Commander-in-Chief and myself. The measure, which the Ministers have advised his Majesty to adopt, and persist in maintaining, is one that gives me comparatively little concern on account of my own interests. But as it involves questions affecting all the elementary principles of justice, public safety, and liberty, I pledge myself to the discharge of every duty these considerations impose. I must, for reasons with which

you may hereafter be made acquainted, remain in Paris until the arrival of the next mail, but I propose, in every event, to be in England at the end of the ensuing week. I am, &c.

Paris, Sept. 29, 1821. (Signed) ROBERT WILSON.

HIS ROYAL HIGHNESS THE DUKE OF YORK TO
SIR ROBERT WILSON.

Horse-Guards, Sept. 15, 1821.

SIR,—I have it in command from his Majesty to inform you, that his Majesty has no further occasion for your services.

I am, Sir, yours,

FREDERICK, Commander-in-Chief.

To Sir Robert Wilson, M. P.

ANSWER.

SIR,—The letter of your Royal Highness, dated the 15th of September, was delivered into my hands this morning by his Excellency Sir Charles Stewart. After the interview I had with Sir Herbert Taylor, your Royal Highness's Secretary, on the morning of the 21st of August, in which I stated my personal desire to meet and challenge inquiry into calumnies and misrepresentations notoriously circulated, together with the motives of my forbearance, until officially called upon, from giving in any statement of the conduct I felt it my duty to pursue on the 14th instant, when attending the funeral procession of her late Majesty; I could not but be greatly astonished to find the newspaper statements of my dismissal from the service, without any inquiry, or previous communication of alleged charges, thus officially confirmed. But I still appeal with confidence to his Majesty's sense of justice, that he will grant my application for the institution of some Military Court, before which I may have an opportunity to vindicate myself, and prove the falsehood of those accusations, whatever they may be, which have disposed his Majesty to remove me from an army in which I have served twenty-nine years, and in which I purchased every commission,

with the exception of the junior one. I await, at Paris, your Royal Highness's answer, but shall be ready to appear before any Court of Inquiry, or Court Martial, at the earliest notice.

I have the honour to be,

Your Royal Highness's obedient servant,

Paris, Sept. 20, 1821. (Signed) ROBERT WILSON.

HIS ROYAL HIGHNESS THE DUKE OF YORK TO
SIR ROBERT WILSON.

Horse-Guards, Sept. 25, 1821.

SIR,—I have to acknowledge the receipt of your letter of the 20th instant, and having laid it before his Majesty, I have it in command to acquaint you, that his Majesty does not judge it proper to comply with the wish expressed in it.

I am, Sir, yours,

FREDERICK, Commander-in-Chief.

To Sir Robert Wilson, M. P.

The principal gentlemen to whom the foregoing correspondence was submitted, on the 5th of October following, after an ineffectual application to the High Bailiff of Southwark, held a public meeting, under the sanction of the Lord Mayor of London (Mr. Alderman Thorp) of the Electors of that respectable borough, "for the purpose of taking into consideration the propriety of commencing a public subscription, to indemnify Sir Robert Wilson: George Weatherstone, Esq, a highly respectable gentleman, and elector of the town, in the chair. At this meet-

ing the following resolutions, amongst others of a temporary nature, were very shortly passed :

RESOLVED—That, without questioning his Majesty's prerogative to dismiss Officers from his service, we cannot but view with great sorrow the late exercise of it in the person of our respected, honourable, and gallant Representative, Sir Robert Wilson; nor can we but feel that the advice given by his Majesty's confidential advisers to that effect, was intended more to punish an *opposer of their measures*, and a *supporter of the late, ever-to-be lamented Queen*, than for the benefit of the public service; nor can we consider that advice upon any grounds to be just, without an opportunity having been given for his defence, tending, as it has, to deprive Sir Robert Wilson of his Commission, for which he paid upwards of *Five Thousand Pounds*, and after having rendered *the most eminent services to his country for upwards of twenty-five years*, in the most eventful period of our history.

RESOLVED—That in order to send forth the opinions of the Electors of Southwark, of the manliness, magnanimity, and independence of Sir Robert Wilson, and their abhorrence of persecution in every shape, it is expedient that a PUBLIC SUBSCRIPTION be immediately entered into, in order to indemnify him for the pecuniary loss the late measure is calculated to occasion; and to prove to the world, that his Constituents, and the People of England, do (even in these times) *protest against arbitrary power*, and *will support* an injured and high-minded individual.

RESOLVED—That it is highly expedient to invite a Public Meeting of the independent Citizens of London, and such Noblemen and Gentlemen of the Country, as may feel disposed, to attend as soon as possible, for the purpose of furthering the object of this meeting.

The object of all this public solicitude, on learning what was in agitation on his account,

addressed his ardent friends in the following terms :

TO THE GENTLEMEN ASSEMBLED AT THE THREE
TUNS TAVERN, SOUTHWARK,

September 25, 1821.

GENTLEMEN,—I have this instant read the resolutions which were passed at the meeting held under your auspices. Impressed with the most grateful feelings for such a proud memorial of your esteem, I still must entreat you to cancel the resolution relative to a pecuniary subscription. Economy, and arrangements I have no doubt of making, will afford me ample means to counteract inconveniences to which my family might otherwise be exposed by a confiscation of military income, and of the capital vested in the commissions. I have, Gentlemen, I assure you, no fear that your bounty would prove any shackle on that independence of action, which it is more than ever necessary for your interests I should maintain ; but I could not, without an abuse of your generous friendship, permit the proposed sacrifices in my favour.

I am, Gentlemen,

with grateful sense of obligation,

Your obedient servant,

Paris, Sept. 30, 1821.

(Signed) ROBERT WILSON.

This letter having found its way to the public journals, was, by the writer's enemies, instantly construed into a determination on the part of Sir Robert, absolutely to refuse the intended bounty ; adding, that, in fact, Sir Robert did not, in a pecuniary point of view, require their aid. The friends of the gallant General were not, however, to be thus debarred, by the modesty of the one, or the malice of the other, from thus testifying their disapprobation of the measures pur-

sued against, what they conceived to be an innocent, and an injured man. The subscription, therefore, already mentioned, commenced under the most favourable auspices. Mr. Lambton, M.P. for the County of Durham, opened it with a splendid donation of 500*l.*; which was speedily followed by a similar sum from Sir Francis Burdett, Bart.; and by the like amount from two or three other opulent individuals.

In the mean time, Sir Robert returned to London, and addressed the following letter, and enclosures, to the Electors of Southwark :

18, *Regent-street, Pall Mall, Oct. 9, 1821.*

GENTLEMEN,—I feel it to be my duty to lay before you the copy of a letter which I addressed to his Royal Highness the Duke of York, immediately on my arrival in England, with a copy of his Royal Highness's answer.

I am, Gentlemen, your very obliged servant,
To the Electors of Southwark. ROBERT WILSON.

SIR ROBERT WILSON TO HIS ROYAL HIGHNESS
THE DUKE OF YORK.

Regent-street, Oct. 8, 1821.

SIR,—I have had the honour of receiving your Royal Highness's answer to my letter of the 20th ult., in which, after complaining that I had been removed from the army without a hearing, and without even the statement of any charge against me, I respectfully demanded an investigation of my conduct, either by a Court of Inquiry or Court Martial. His Majesty's ministers have advised their Sovereign to refuse this request; and I thus find myself, after so many years of service, subjected to the severest punishment which can be inflicted upon a British officer, without being told of what I am accused.

To defend myself against charges, which, if they exist at all in

a tangible shape, are studiously concealed from me, is evidently impossible. I can neither conjecture their motive, nor by whom they are preferred, nor on whose statements, misrepresentations, or fancies they may rest; whilst this concealment gives a sanction to every latitude of surmise in which malice or folly may indulge.

It is true I have seen the papers, and heard by rumours in society, a variety of things imputed to me, and suggested as the grounds of my dismissal; but I declare upon my honour, that every one of these allegations is utterly false, and that in every instance, where the mention of names has enabled me to trace those statements to their supposed sources, their falsehood has either been at once exposed and acknowledged, or they have been disavowed by the parties said to have made them.

Those, who have proceeded to punish me without either trial, or hearing, or accusation, render it impossible to give a more precise contradiction, until they shall be pleased to inform me what I have done, or what has been whispered against me.

But I once more earnestly beseech your Royal Highness to institute, in whatever way shall be deemed the most searching, a rigorous investigation of every part of my conduct.

Your Royal Highness is well aware, that before my dismissal, I was, beyond all doubt, subject to martial law; and if it be now said I am no longer in this predicament, I desire to wave all objections to the jurisdiction of a military tribunal, in order that no obstacle may be interposed to the inquiry which I court. It is with unfeigned reluctance that I again presume to remind your Royal Highness of those services, which you were formerly pleased to acknowledge; but the strange situation in which I am now so unaccountably placed, compels me to refer your Royal Highness to your letter of the 24th January, 1815, and the documents to which it relates, in further support of my claims to justice on the present occasion.

I have the honour to be,

Your Royal Highness's most obedient servant,

(Signed) ROBERT WILSON.

ANSWER.

Horse Guards, Oct. 9, 1821.

SIR,—I have to acknowledge the receipt of your letter of yesterday, urging again an investigation into your conduct; to which I can only reply, that having laid your former application before his Majesty, and communicated to you his Majesty's sentiments upon it, I do not consider myself warranted in taking any further step.

I am, Sir, yours,

FREDERICK, Commander-in-Chief.

Sir Robert Wilson.

A short time after this, the suffering General again addressed his Constituents as follows:

TO THE ELECTORS OF SOUTHWARK.

18, Regent-street, Oct. 23, 1821.

GENTLEMEN,—I feel it to be my duty to lay before you copies of the letters which have passed between Lord Viscount Sidmouth and myself; with an accompanying memorandum of a conversation with Sir Richard Birnie.

I have the honour to be,

Your most obedient servant,

To the Electors of Southwark.

ROBERT WILSON.

SIR ROBERT WILSON TO THE LORD VISCOUNT SIDMOUTH.

18, Regent-street, Oct. 19, 1821.

MR. LORD,—Having seen a statement in the newspapers, authenticated by the signature of Mr. Thomas Julion, Clerk to the Magistrates of the Kensington division of the County of Middlesex, in which it is asserted, that, Sir Richard Birnie, one of the said magistrates, did, at a General Meeting of Justices, held on the 8th of September 1821, at the Hammersmith Coffee House, declare, that information had been given to him, at Bow-street, upon oath, that a meeting had been held at the house of Mr. Youde, at which the plan of interruption to her late Majesty's

funeral was concerted, and that I had attended the meeting ; I have to request that your Lordship will be pleased to direct a copy of such information upon oath to be delivered to me, that I may be enabled to institute a prosecution for perjury against the person so swearing.

I have the honour to be

Your Lordship's obedient servant,

To the Lord Viscount Sidmouth.

ROBERT WILSON.

THE LORD VISCOUNT SIDMOUTH TO
SIR ROBERT WILSON.

Whitehall, Oct. 19, 1831.

SIR,—I have to acknowledge the receipt of your letter of this day, referring to a statement in the newspapers, that Sir Richard Birnie had declared at a General Meeting of Magistrates, that information had been given him, on oath, that you had attended a certain Meeting; at which the plot for interrupting her late Majesty's funeral was concerted ; and requesting me to direct a copy of such information upon oath to be delivered to you, that you might be enabled to prosecute the informant for perjury. In reply to this request, I have only to observe, that, if any such information does exist in the hands of a Magistrate, it does not appear to me that I am the proper channel through which an application for its production should be made.

I have the honour to be

Your most obedient and humble servant,

To Sir Robert Wilson.

SIDMOUTH.

MINUTE OF A CONVERSATION BETWEEN SIR ROBERT WILSON AND SIR RICHARD BIRNIE.

On the receipt of Lord Sidmouth's letter, Sir Robert Wilson addressed a letter to Sir Richard Birnie, for a copy of the deposition on oath, assigning also the motive of the request.

The letter was sent on the 20th. On the 22d, Sir Richard

Birnie sent a note to Sir Robert Wilson, stating he had been absent, attending the funeral of a friend in the country, and requesting Sir Robert Wilson to call upon him, when he would give him the information he required.

Sir Robert Wilson having waited on Sir Richard Birnie the same day, with Mr. William Lambton, and renewed his demand for a copy of the information on oath, Sir Richard informed Sir Robert Wilson, "that no information in writing had been taken; that the information was a verbal one, founded upon a report at the Freemasons' Tavern, of a Meeting having been held at Hammersmith, at which an officer had been present; but that, on the examination of the tavern-keeper at Hammersmith, Mr. Youde, all the Magistrates were satisfied Sir Robert Wilson had never been in the house." ROBERT WILSON.

SIR ROBERT WILSON TO LORD VISCOUNT
SIDMOUTH.

18, *Regent-street*, Oct. 22, 1821.

MY LORD,—Having received information, that a deposition upon oath exists in the Home Department, of my having been seen on Tuesday, the 14th of August, on horseback; with a porter pot in my hand, encouraging the populace to pull up the pavement, and impose impediments to the funeral procession of her late Majesty, I have the honour to request your Lordship will be pleased to direct a copy of such deposition to be delivered to me, that I may institute a prosecution for perjury against the person so swearing.

I have the honour to be

Your Lordship's most obedient humble servant,

To the Lord Viscount Sidmouth.

ROBERT WILSON.

THE LORD VISCOUNT SIDMOUTH TO
SIR ROBERT WILSON.

Whitehall, Oct. 23, 1821.

SIR,—I have to acknowledge the receipt of your letter of yesterday's date, in which you state, that you have received infor-

mation, that a deposition upon oath exists in the Home Office, of your having been seen on horseback, on Tuesday, the 14th of August, with a porter pot in your hand, encouraging the populace to pull up the pavement, and oppose impediments to the funeral procession of her late Majesty ; and you therefore request, that I will direct a copy of such deposition to be delivered to you, that you may institute a prosecution against the person so swearing for perjury ; and I have the honour to acquaint you, in reply, that I should not think myself justified in giving the directions for which you have applied.

I have the honour to be, Sir,

Your most obedient humble servant,

To Sir Robert Wilson.

SIDMOUTH.

Had it not been the determined resolution of the Ministers of the day obstinately to resist every attempt at inquiry concerning the justice or injustice of their measures against individuals who might be so unfortunate as to fall under their displeasure ; the repeated appeals of Sir Robert Wilson to the justice and generosity of his accusers, could not have failed to produce a full and satisfactory investigation of the grounds upon which he had been thus unfairly deprived of his rank and commission. His enemies having however preferred a concealed and cowardly attack to honourable and open warfare, the fair inference is, that no grounds whatever existed for the arbitrary and unjust measure ; and Sir Robert Wilson stands acquitted in public estimation of any blame, unless it is the *enormous crime* of paying his last tribute of respect to the

memory of an injured Queen, and endeavouring, in the temperate language of remonstrance, to prevent the effusion of human blood! His character is too firmly rooted to sustain any injury from the breath of slander, and the malignity of his enemies has recoiled on themselves: thanks to a brave, just, and generous people, who are ever prone to save whom persecution aims to destroy.

As far as relates to pecuniary matters, Sir Robert is not likely to sustain any great injury by his high spirited and noble conduct; so far, at least, the efforts of malevolence have been futile. Sir Robert's half-pay was 460*l.* per annum, and the subscriptions in indemnification of his loss are at present nearly 9,000*l.* with every prospect of further increase.

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THE END.

B. Bensley, Bolt Court, Fleet Street.

